

123

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16 MYSORE GAZETTE

PART IV SECTION 2 -C(ii)
STATUTORY ORDERS ISSUED BY THE
STATE GOVT. UNDER THE CENTRAL
ACTS STATE ACTS.

7TH SEPTEMBER 1967.

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PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT
UNDER THE CENTRAL ACTS AND STATE ACTS.

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT
ORDER.

Bangalore, dated the 24th August 1967.

S.O. 1669.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Sundatta Foods and Fibres, Ltd. Hubli, on the points noted below :

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute.

1. "Are the workmen of the Sundatta Foods and Fibres Ltd., Karwar Road, Hubli, justified in demanding full wages for the period of strike from 29th April 1967 to 7th May 1967 ? If not to what other relief are they entitled ?
2. Are the workmen of Sundatta Foods and Fibres Ltd., Karwar Road, Hubli, justified in demanding full wages for the period of lock-out from 8th May 1967 to 28th May 1967 ? If not, to what other relief are they entitled ?

[No. FCL 547 LLD 67.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated the 24th August 1967.

S. O. 1670.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Vysya Co-operative Bank Limited, Avenue Road, Bangalore-2 on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication.

Now, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

“Is Sri. H. G. Krishna Murthy, (who was the Manager in the Grade Rs. 250-10-300-15-450 of Vysya Co-operative Bank, Avenue Road, Bangalore-2) Justified in demanding that he should be treated as workman?

If so, whether the Management of the above said Establishment justified in retrenching, Sri H. G. Krishna Murthy, Manager ignoring the natural justice of “last come first go” principle?

If not to what relief the above said workman is entitled?”

[No. FCL 454 LLD 67.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated the 24th August 1967.

S. O. 1671.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the workmen and the management of the Madras Sapper Ex-Servicemen's Rehabilitation Association, Post Box No. 383 Bangalore-1, on the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute

"Are the Management of Madras Sapper Ex-Servicemen's Rehabilitation Association, P. B. No. 383, Bangalore-1, justified in retrenching the workmen as per Annexure 'A' with effect from 10th June 1967."

If not to what relief are the workmen entitled"

[No. FCL 383 LLD 67.]

246 By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

ANNEXURE 'A'

List of Office/Supervisory Staff and workers Retrenched with effect from 10th June 1967.

Office/Supervisory Staff.

- 1 P. Pushparaj
- 2 C. R. Sharma
- 3 P. Swamydas
- 4 K. V. Unniathan
- 5 Jem K. N. Bathnam
- 6 U. Dharmalingam

Watchmen.

- 1 K. P. Chinnppa Naidu
- 2 S. Rajamanicka Nadar
- 3 A. Doraiswamy
- 4 R. Perianayagam

Operator 'A'

- 1 C. P. Velayuthan

Operator 'B'

- 1 A. G. Beig
- 2 D. Simon

Operator 'C'

- 1 M. Thangavelu
- 2 M. Aservatham
- 3 M. Muniswamy
- 4 G. Joseph
- 5 A. Krishnaswamy
- 6 M. Rajoo
- 7 A. Ambrose
- 8 V. Kesavan
- 9 B. A. andan
- 10 S. Peter
- 11 P. Sampangiraj
- 12 K. S. Vishwanathan
- 13 R. Mani
- 14 G. Nagoji Rao

Assistant Operator 'A'

- 1 K. Krishnan

Assistant Operator 'B'

- 1 L. K. Rajamanickam
- 2 K. Venkatesh
- 3 M. Uthandi
- 4 G. Ranganathan
- 5 M. Yogenorachary
- 6 K. Narayana Pillai
- 7 K. A. Gopal
- 8 D. Rama Murthy
- 9 R. Vanathayyan
- 10 M. Velayuthan
- 11 M. Redhakrishna
- 12 G. Vincent
- 13 P. Chinnaraj
- 14 R. Deyan
- 15 P. Bhaskaran
- 16 M. Amalidas
- 17 B. Krishnaraj
- 18 D. Aruldas
- 19 K. V. Rajagopal

Saw Doctor

- 1 P. Krishnan Nair
- 2 B. Narayanaswamy

Turner Glass I

- 1 P. P. John

Chargeman

- 1 V. Chinnaswamy

Fitter Class 'B'

- 1 M. Manickam
- 2 R. Moses
- 3 K. S. Abdulbasha

Helper 'A'

- 1 A. Dharmarao
- 2 P. Venkatesh

3 A. Arockiraj
 4 R. K. Rajoo
 5 R. Arandan
 6 B. Nanjappa
 7 C. Ponnuswamy
 8 R. Gopal
 9 M. Sivalingam
 10 Y. Narasimhan
 11 K. Kannan Nair
 12 M. Ramaiah
 13 B. Laxminarayan
 14 M. Aswatha

15 M. Muniawamappa
 16 Ramaiah
 17 S. Padavathan
 18 P. G. Rajoo
 19 Syed Dastagir
 20 P. Palani
 21 Anthony Chinnadorai

Helper 'B'

1 B. Sambandan

G. G. PUROHIT, *Under Secy.*,

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 26th August 1967.

S.O. 1672.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Corundum to Shri S. K. Chikkanna, in the following areas of the Maddur Taluk, Mandya District, on the terms and conditions mentioned below :—

<i>Village.</i>	<i>S. Nos.</i>	<i>Area</i>
Kadalur	232 (Part)	40 Acres (16-19 Hectares.)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions.—

1. The licence shall be operative for a period of two year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time :

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ;

12. The licensee shall not give any ore-raising contract during the prospecting stage; and

13. The area mentioned above is subject to verification after actual survey.

[No. CI 132 EPO 67.]

By Order and in the name of the Governor of Mysore.

955

N. NARAYANASWAMY, *Under Secy*

NOTIFICATION.

Bangalore, dated 24th August 1967.

S. O. 1673.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Iron ore and Manganese to Messrs Sri Sreenivasa Ores in the following areas of the Supa Taluk, North Kanara District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>	<i>(As delineated in the plan as furnished by the Department of Mines and Geology)</i>
Shirgur	In part of F.S. No. 8.	360 acres (145.69 hectares)	

Terms and Conditions :—

1. The licence shall be operative for a period of one year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government.

2. The licensee shall pay to Government a Prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other " substance prescribed " under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified geologist or a mining Engineer to conduct the prospecting methodically;

12. The licensee shall not give any ore-raising contract during the prospecting stage;

13. The area mentioned above is subject to verification after actual survey; and subject to the special condition that; and

14. That the licensee shall have no right to claim any compensation from Government, if the area gets submerged consequent to the execution of Kalinadi Hydro Electric Project before the expiry of the licence.

[No. CI 67 EPI 67.]

By Order and in the name of the Governor of Mysore,

950

N. NARAYANASWAMY, *Under Secretary*

NOTIFICATION

Bangalore, dated 25th August 1967.

S.O.1674.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, Government are pleased to sanction, the grant to Messrs. Mysore Iron and Steel Limited of a Mining Lease for twenty years for Black Clay in respect of the area of 175 acres (70.82 hectares) of land in S. No. 37, Umblebyle Range, Aldhara State Forests, Koppa Taluk, Chickamagalur District, as delineated in the plan accompanying the application.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

- (a) Mining Lease should be in respect of Black Clay only. If other minerals are found in association with Black Clay they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Black Clay he should do so only after the consent of Government is obtained in writing.
- (b) Royalty at the rates prescribed in the Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.
- (c) Surface rent at the rate 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.
- (d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act, No. XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

- (e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.
- (f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.
- (g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.
- (h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.
- (i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.
- (j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.
- (k) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilo-meters.
- (l) Government shall have the right of purchasing the Ore at current market rates.
- (m) The lease would be determined if the Lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.
- (n) The area mentioned above is subject to verification after actual survey.

[No. CI 171 EMO 67.]

By Order and in the name of the Governor of Mysore,
N. NARAYANASWAMY, *Under Secy.*

MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore dated the 25th August 1967.

S. O. 1675.—The draft of the following Notification which the Government of Mysore proposes to issue in exercise of the powers conferred by Section 13 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964), is hereby published as required by the said section for the information of all persons likely to be affected thereby. Notice is hereby given that the draft will be taken up for consideration on or after 1st October 1967. Objections and suggestions received before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to Government of Mysore, Municipal Administration Department, Vidhana Soudha, Bangalore-1.

Draft Notification.

In exercise of the powers conferred by Section 13 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby determine that—

- (i) the number of territorial divisions into which the Bagalkot Town Municipal, Council shall be divided shall be seven ;
- (ii) the extent of each of the said divisions shall be the area comprised within the limits of the boundaries indicated in column (2) of the schedule below ;
- (iii) the number of seats allotted to each territorial division shall be 4, 3, 3, 3, 4, 3 and 3 respectively ;
and
- (iv) one seat shall be reserved for scheduled castes in territorial division No. V and one seat is reserved for women in territorial division No. I.

SCHEDULE

division No. of	Extent of division	No. of seats allotted.	Remarks
1	2	3	4
I	<i>East:</i>—Part of eastern boundary of the Municipal District from R.S. No. 93 to 91. Northern boundary of R. S. No. 91 and part of R. S. No. 90 and eastern boundary of RS No. 71 station road from C.T.S. No. 46 Ward No. 10 to C.T.S. No. 336 Ward No. 9 Kambale galli upto post office nala from C. T. S. No. 213/A Ward No. 9 to C.T.S. No. 336 Ward No. 9 <i>South:</i>—Muchakhandi village boundary from R.S. No. 136 to R.S. No. 93 <i>West:</i>—Eastern boundary of R. S. No. 319 to Haveli road. Road from R. S. No. 318 to 379, Haveli cross road from R.S. No. 379 to R.S. No. 307. Veerapur village boundary from R.S. No. 159 to R.S. No. 136 <i>North:</i>—Ghataprabha river from R. S. No. 319 to R. S. No. 346	4	One seat reserved for women
II	<i>East:</i>—Sankannavar galli C. T. S. No. 162 Ward No. 1 to C.T.S. No. 189 Ward No. 1 Nadagondar galli from C.T.S. No. 507 Ward No. 1 to 491/2 Ward No. 1. Jummamasjid galli from C.T.S. No. 560/2 Ward No. 1 to 575/2 Ward No. 1 Paga galli from C.T.S. No. 583 Ward No. 1 to C.T.S. No. 649/B Ward No. 1 Killa river road upto river from C. T. S. No. 649/B Ward No. 1 to river. <i>South:</i>—Road from village chawadi C.T.S. No. 159 Ward No. 1 to Haveli Naka C. T. S. No. 1 Ward No. 1 and reserved Murnal road from C.T.S. No. 1 Ward No. 1 upto nala T. P. No. 262 Ward No. 10	3	

1	2	3	4
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West:—Nala from reserved Murnal road to the Ghataprabha river along T. P. No. 263 Ward No. 10 and B.S. No. 264 to B.S. No. 340.

North:—Ghataprabha river from R. S. No. 350 to R. S. No. 368.

III *East*.—Trench behind Pankha Masjid south-wards from C.T.S. No. 548 Ward No. 2 upto C.T.S. No. 446 Ward No. 2 Lane joining C.T.S. No. 446 Ward No. 2 and C.T.S. No. 473 Ward No. 2 Jainpeth river road from C.T.S. No. 473 Ward No. 2 to C.T.S. No. 417 Ward No. 2 and Kappada galli from C.T.S. No. 15 Ward No. 7 to C. T. S. No. 33 Ward No. 7. 3

South.—Road to the south of vegetable market from C.T.S. No. 33 Ward No. 7 to C.T.S. No. 247 Ward No. 9.

West.—Eastern boundary of election Ward No. II from C.T.S. No. 7/2 Ward No. 9 to B. S. No. 370.

North.—Portion of trench from C. T. S. No. 548 Ward No. 2 to R. S. No. 370.

IV *East*:—Rabakavi galli from C. T. S. No. 547 Ward No. 3 to Junction of Ullagaddi galli at C.T.S. No. 499 Ward No. 3. 3

South:—Ullagaddi galli from C. T. S. No. 367/A Ward No. 3 to C.T.S. No. 284 Ward No. 3 Halapeth main road C.T.S. No. 284 Ward No. 3 to C.T.S. No. 181 Ward No. 3.

West:—Killa river road to the west of R. S. No. 371 Northern boundary of election ward No. III from R.S. No. 370 to C. T. S. No. 548 Ward No. 2. Eastern boundary of Election Ward No. III from C. T. S. No. 548 Ward No. 2 to C. T. S. No. 446 Ward No. 2. Dubulkot from lane joining C T. S. No. 446 Ward No. 2 and C. T. S. No. 474 Ward No. 2 Jainpeth road from C. T. S. No. 474 Ward No. 2 to C. T. S. No. 15 Ward No. 7.

1	2	3	4
	<i>North</i>.—Ghataprabha river from R. S. No. 371 to R. S. No. 381.		
V	<i>East</i>.—Maharudrapia nala from R. S. No. 411 to R. S. No. 24.		4 One seat reserved for reserved caste.
	<i>South</i>.—Part of the southern boundary of the Municipal District from R. S. No. 24 to R. S. No. 50 and southern boundaries of R. S. Nos. 51, 55 and 70.		
	<i>West</i>.—Part of the eastern boundary of election Ward No. I from R. S. No. 71 to R. S. No. 61 Southern boundary of railway line from R. S. No. 60 to R. S. No. 31. Part of the eastern boundary of election Ward No. V from R. S. No. 34 to C. T. S. No. 178/3 Ward No. 5. Eastern boundary of election Ward No. VI from C. T. S. No. 250, Ward No. 7 to C. T. S. No. 217 Ward No. 7 and Rabkavi galli from C. T. S. No. 363 Ward No. 3 to C. T. S. No. 355/C. Ward No. 3 Eastern boundary of election Ward No. IV from C. T. S. No. 367, A Ward No. 3 to R. S. No. 381.		
	<i>North</i>.—Ghataprabha river from R. S. No. 332 to R. S. No. 411.		
VI	<i>East</i>.—Kinari gali from C. T. S. No. 337 Ward No. 4 to C. T. S. No. 294 Ward No. 4 Rabkavi galli from C. T. S. No. 363 Ward No. 3 to C. T. S. No. 355/C, Ward No. 3,	3	
	<i>South</i>.—Harpeth road from C. T. S. No. 517 Ward No. 7 to C. T. S. No. 250 Ward No. 7.		
	<i>West</i>.—Gandhi road from C. T. S. No. 507 Ward No. 7 to C. T. S. No. 617 A. Ward No. 7 road to the south of vegetable market from C. T. S. No. 617/A Wards No. 7 to C. T. S. No. 31 Ward No. 7 Koppada Gali road from C. T. S. No. 31 Ward No. 7 Harpeth road at C. T. S. No. 107 Ward No. 7		
	<i>North</i>.—Harpeth main road from C. T. S. No. 107 Ward No. 7 to C. T. S. No. 217 Ward No. 7.		

1	2	3
VII	<i>East.</i>—Hundeka galli from C. T. S. No. 178 C Ward No. 5 to R. S. No. 35. V. B. P. road from R. S. No. 35 to R. S. No. 34. Then a line southwards upto railway line along eastern boundary of R. S. No. 34. <i>South.</i>—Southern boundary of railway line from R. S. No. 61 to R. S. No. 34. <i>West.</i>—Station road from railway station from T. P. No. 46 Ward No. 10 to C. T. S. No. 336 Ward No. 9 Kambal galli from C. T. S. No. 336 Ward No. 9 to C. T. S. No. 213/A Ward No. 9. <i>North.</i>—Part of the southern boundary of election Ward No. III from C. T. S. No. 213/A Ward No. 9 to C. T. S. No. 617/A Ward No. 7 Gandhi road from C. T. S. No. 617/A Ward No. 7 to C. T. S. No. 507 Ward No. 7 Hospeth road from C. T. S. No. 507 Ward No. 7 to C. T. S. No. 178/C Ward No. 5.	3

[No. LMA 3 MNC 67.]

By Order and in the name of the Governor of Mysore,

945

P. V. JOSHI *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT**ORDER.**

Bangalore, dated 26th August 1967.

S O. 1676.—WHEREAS the Government of Mysore in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), have referred the dispute between the Workmen and the Management of Mysore Lamps Works, Bangalore for adjudication to the Additional Industrial Tribunal, Bangalore, in Government Order No. FCL 587 LLD 67, dated 26th August 1967.

AND WHEREAS, a strike in connection with the abovesaid dispute was in existence on the date of the said reference and is being continued ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (3) of Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, hereby prohibit the continuance of the strike by the Workmen of the Mysore Lamp Works, Bangalore.

[No. FCL 587 LLD 67.]

By Order and in the name of the Governor of Mysore,

ORDER

Bangalore, dated 26th August 1967.

S. O. 1677.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Mysore Lamp Works, Bangalore on the points noted below ;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Additional Industrial Tribunal at Bangalore.

Points of Dispute.

- "1. Is the Management of Mysore Lamp Works Bangalore justified in terminating the services of Sri M. L. Janakiram Naidu, General Secretary of the Mysore Lamp Works Employees' Association? If not, is he entitled to reinstatement and/or, for any other reliefs
2. Are the workmen of the Mysore Lamp Works justified in demanding wages for the strike period in the above factory with effect from 22nd August 1967." ?

(No. FCL 587 LLD 67.)

By Order and in the name of the Governor of Mysore,

**DEVELOPMENT, HOUSING, PANCHAYATI RAJ AND
CO-OPERATION SECRETARIAT.**

NOTIFICATION.

Bangalore, dated the 28th August 1967.

S.O. 1678.—In exercise of the powers conferred by Rule 18 of the Mysore Agricultural Produce Markets Rules 1947, the Government of Mysore are pleased to extend the term of the 1st Agricultural Produce Market Committee, Channarayana, constituted in Government Order No. DPC 183 CMD 61, dated 13th August 1964, for the further period from 3rd September, 1967 to 31st December, 1967.

[No. DPC 243 CMD 67.]

By Order and in the name of the Governor of Mysore,

961

S. V. PRABHU, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

GOVERNMENT OF MYSORE.

(COMMERCE AND INDUSTRIES DEPARTMENT)

Subject.—Determination of Mining Lease Nos. 241, 543 and 563
Granted to M/s S. Lal and Company Ltd.

READ:—

- (i) Government Order No. I 1385-87/Geo-41-52-4 dt. 19th June 1966.
- (ii) Government Order No. CI 161 MLM 58, dated 19th/21st July 1963.
- (iii) Government Order No. CI 152 MLM 58, dated 20th/23rd April 1963.
- (iv) Government letter No. CI 71 EMO 66, dated 18/19th April 1966.
- (v) Letter No. 6/DTN/56 dated 9th June 1957 from the Director of Mines and Geology, Bangalore.

PREAMBLE—

Three Mining Leases were granted to M/s. S. Lal and Company (P.) Ltd., as noted below:

1. Mining Lease No. 241—for Manganese and Manganese Dioxide etc., over an area of 503 acres in Kagi alli village Nihalpur taluk, Shimoga District for a period of 20 years from 31st December 1953. This Lease was originally assigned to S. P. G. Veerabhadra in Government Order No. C and D 42 8-50/Geo 41-53-2 dated 31st December 1953 and assigned to M/s. Lal and Company (P) Ltd., in Government Order read at (i) above.

2. Mining Lease No. 543:—for Manganese and Manganese Dioxide over an area of 34-37 hectares in Ballur village Sukkarnur Taluk, Shimoga District for a period of 20 years from 16th January 1963 (as mentioned in Government Order read at (ii) above.

3 Mining Lease No 563 —for Manganese ore over an area of 20-21 hectares in Kaginalli village, Shikaripur taluk, Shimoga District for a period of 20 years from 1st October 1953 (as mentioned in Government Order read at (iii) above)

In the Government letter at (iv) read above, Government issued a notice to the lessee under Rule 27 (1) of Mineral Concession Rules 1960 calling upon them to commence and continue Mining Operations in a

proper skillful and workman-like manner within a period of sixty days from the date of the order, failing which further proceedings would be taken to determine the mining leases in question and also forfeit the whole of the Security Deposit paid by the lessees on this account.

The Director, Mines and Geology, Bangalore in his letter read as 'v) above, reports that M/s. S Lal and Co., (P) Ltd, have not so far reported commencement of mining operations in spite of having allowed a further period of 6 months to the lessees in Government letter No.71 EMO 68 dated 31-10-1966. Hence the Director advises Government that the Mining Leases in question may be determined.

ORDER.

Bangalore, dated the 24th August, 1967.

S O 1679—Government hereby order determination of the abovementioned Mining leases granted to M/s. S. Lal and Company (P) Ltd., with effect from 18th June 1966 and also the adjustment of the Security Deposit etc., paid by the lessees against the dues, if any.

[No. CI 136 EMO 67]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore, dated 24th August 1967.

S.O. 1680.— In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Manganese and Iron Ore to Shri P. S. Vaidya in the following areas of the Supa Taluk, North Kanara District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Aorangaon and Varalda	As p r sk. tch	310 Acres (125.45 hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology)

Terms and conditions—

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957).

6. If any other minerals is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence

is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage ;

13. The area mentioned above is subject to verification after actual survey ; and

14. Subject to the special condition that from the licensee shall have no right to claim any compensation from Government if the area gets submerged consequent to the execution of Kalinadi Hydro-Electric Project before the expiry of the licence.

[No. CI 112 EPI 67.]

By Order and in the name of the Governor of Mysore,

954

N. NARAYANASWAMY, *Under Secy.*

LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated the 29th August 1967.

S. O 1681.—In exercise of the powers conferred by Section (5) of the Mysore Local Authorities (Post ponement of elections and continuance of Administrators) Act 1965 (Mysore Act No. 24 of 1965), the Government of Mysore hereby extends the term of office of the Administrator, Town Municipal Council, Shikaripur for a further period of six months from 1st July 1967 or till the elections are held and the Council reconstituted (whichever is earlier).

[No.LMA 48 TEL 67.]

By Order and in the name of the Governor of Mysore,

K. ABDUL RAHIM KHAN,

Under Secretary.

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT
ORDER.

Bangalore, dated 29th August 1967.

S.O. 1632.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Mysore Lamps Works, Bangalore-3 on the points noted below ;

NOW, THEREFORE, in exercise of the power conferred by Section 6-A of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for interpretation to the Additional Industrial Tribunal at Bangalore.

Points of Dispute

"Is the Management of the Mysore Lamp Works Ltd., Bangalore, justified in refusing the claims of workmen that they are at liberty to choose such longer period of leave as per section 75(1) of the Factories Act, 1948 irrespective of the terms of the existing two Agreements dated 15th March 1963 and 23rd April 1964 ?

If not, to what quantum of leave are the workers entitled ?

(No. FCL 303 LLD 66).

By Order and in the name of the Governor of Mysore,

ORDER.

Bangalore, dated the 28th August 1967.

S. O. 1683.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Belgaum City Municipal Council, Belgaum on the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute

"Are the workmen of the City Municipal Council, Belgaum, entitled to make the following demands;

1. Full time casual or temporary workers appointed on daily wages be paid wages at the rate of Rs. 3.50 per day.

2. The Mukadams and drivers be supplied with a rain coat and a pair of gum boots once in 3 years.

If not, to what other reliefs they are entitled?

[No. FCL 549 LLD 67.]

By Order and in the name of the Governor of Mysore,

LAW AND PARLIAMENTARY SECRETARIAT

NOTIFICATION.

Bangalore, dated 28th August 1967.

S. O. 1684.—In exercise of the powers conferred by Section 37 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), the Government of Mysore hereby invest Shri M. S. Subbayappa B. A., B. L., Additional Munsiff cum First Class Magistrate Hospet, with powers to try offences summarily under Section 260 of the said Code.

[No. LAW 69 LAC 67. (I)]

By Order and in the name of the Governor of Mysore,

980

R. A. RAMASWAMY, *Under Secy*

NOTIFICATION.

Bangalore dated 29th August 1967.

S. O. 1685.—In exercise of the powers conferred by Section 37 of the Code of Criminal Procedure 1898 (Central Act 5 of 1898), the Government of Mysore hereby invest Shri P. K. Deshpande, B.A., I.L.B., Munsiff cum First Class Magistrate, Kudligi, with powers to try offences summarily under Section 260 of the said Code.

[No. LAW 69 LAC 67 (II).]

By Order and in the name of the Governor of Mysore,

931

R. A. RAMASWAMY, *Under Secy*

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated 29th August 1967.

S. O 1686.—In exercise of the powers conferred by sub-section (1) of Section 27 of the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the erstwhile Bombay area, the Government of Mysore is pleased to direct that the area specified below, which in the erstwhile Bombay Government Notification No. 5134-B dated 23rd July 1901 was declared to be reserved forest under Section 19 of the Indian Forest Act, 1878 (VII of 1878), shall cease to be reserved forest from the date of this notification.

Specification of land to be disforested.

<i>District</i>	<i>Taluka</i>	<i>Village</i>	<i>F. S. No.</i>	<i>Area</i>
				<i>A. G. Ans.</i>
North Kanara	Kumta	Divgi	96A1A1	0—8—0

Boundaries.—

North.—F.S.No. 96A1A1A and S. No. 110

East.—F.S.No. 96A1A1A.

South.—Road.

West.—S.Nos. 109 and 110

Remarks.—Formed into a separate S. No. viz. 96A1A1B. The area still remaining in the reserved forest being assigned S. No. 96A1A1A.

[No. AFD 82 FAF 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore dated 29th August 1887

S. O. 1687—In exercise of the powers conferred by sub-section (1) of Section 27 of the Indian Forest Act, 1927 (Central Act, XVI of 1927), as in force in the erstwhile Bombay area, the Government of Mysore is pleased to direct that the area specified below, which in the erstwhile Bombay Government Notification No. 5569 dated 20th October 1880 read with Government Notification No. 881 of 3rd October 1910 was declared to be reserved forest under Section 19 of the Indian Forest Act, 1878 (VII of 1878) shall cease to be reserved forest from the date of this Notification.

Specification of land to be disforested

<i>District</i>	<i>Taluka</i>	<i>Village</i>	<i>F. S. No.</i>	<i>Area</i>
North Kanara	Ankola	Hillur	417	A. G. A. s. 3-0-0

Boundaries.—

North	{ F. S. No. 417A
East	
South	
West	

Remarks.—Formed into a separate S. No. viz., 417R. The area still remaining in the reserved forest being assigned S. No. 417A.

[No. AFD 96 FAF 67.]

By Order and in the name of the Governor of Mysore,

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER

Bangalore, dated 14th August 1967.

S.O. 1688.—WHEREAS by State Government Order No. LMA 510 LLD 66, dated 9th November 1966, the Industrial Dispute between the Workmen and the Management of Indian Hume Pipe Co., Ltd., Panambur, S. K. District was referred to the Labour Court, Hubli, for adjudication;

AND WHEREAS before the said Labour Court, Hubli, a complaint was made under Section 33 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shriyuths K. Babu, Deju Shetty, K. P. Sunder Shetty, Poovappa alleging that they were terminated from services;

AND WHEREAS the said Labour Court, Hubli, adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33 of the said Act;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore hereby directs the publication of the said Award in the *Mysore Gazette*.

[No. LMA 510 LLD 66.]

By Order and in the name of the Governor of Mysore,

861

G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD CIVIL SUPPLIES AND LABOURS DEPARTMENT.

IN THE LABOUR COURT AT HUBLI

Dated 3rd August 1967.

Complaint No. 5/1966 filed in Reference (ID) (LCH) No. 71 of 1966.

Present:

Sri Syed Azizuddin Ahmed, M.A., B.L.

... *Presiding Officer.**Between*

1. Sri K. Babu,
2. „ Deju Shetty,
3. „ K. P. Sundar Shetty,
4. „ Pcovappa,

C/o The Indian Hume Pipe Co. Staff and Workers' Union
Panambur, S.K.... *Complainants**and*The Manager, The Indian Hume Pipe Co., Ltd.,
Panambur, S.K.... *Opponent.*

Sri K. Babu and three others, the former workmen of the opponent have filed this application under Section 33 of the Industrial Disputes Act, 1947. Their case is that during the pendency of Reference (ID) (LCH) No. 71 of 1966 on the file of this Court, the management has terminated their services. This amounts to victimisation. The court may decide the complaint and pass such orders as it deems fit and proper.

2. The opponent contested the complaint. It pleaded, *inter alia* that due to temporary increase in work, it re-employed the complainants on 4th November 1966 and after the completion of the work for which they were recruited their services were terminated by way of discharge on 22nd December 1966. It denied the allegation that it had insisted on the complainants to withdraw their dispute. The termination of the services of the complainants was in accordance with the terms of their employment. They had hardly put in 41 days service from 11th April 1966 to 22nd December 1966. Therefore, the question of notice does not arise and no permission was necessary.

3. The complaint is worded with a slant. It does not take into account the appointment orders. Sri Ramesh, P., the Accountant of the opponent entered into the witness box and deposed that the complainants were appointed temporarily as per the appointment orders Nos. M-1 to M-4. The complainants were not asked to withdraw their reference on threat of removal from service. Sri Deju Shetty, one of the complainants deposed that after the

Government had referred the main dispute to the Labour Court, the manager called him and asked him to withdraw the dispute, otherwise, his service would be terminated. The manager had asked other complainants also in the same manner. They all refused to withdraw the dispute. Later, their services were terminated.

4. I am not prepared to give credence to the plea set up by the complainant. It is not in consonance with their application for appointment or orders thereon. I have before me the four documents Exs. M-1 to M-4. All the complainants have been appointed temporarily for one month. The appointment order clearly lays down that their services would automatically stand terminated after the period of one month or when the present increase in work is over or if the work was stopped for any reason or if the work or conduct was found unsatisfactory or if the permanent workers were found sufficient for the work, whichever eventuality happened first from the date of that eventuality. In a plethora of rulings, it has been observed that temporary workmen are those, who are appointed either for a specific purpose or for a specified period. The service of temporary workmen would come to an end after the completion of the period or after the purpose is served. If the contract gives the employer the power to terminate the service of his employees, it would be open to him to take recourse to that term or condition and terminate their services. When the validity of such termination is challenged in an industrial forum, it would be competent for the forum to enquire whether the impugned discharge has been effected in the *bona fide* exercise of the power conferred by the contract. If the discharge has been ordered by the employer in *bona fide* exercise of his power than the industrial forum may not interfere with it. In the instant case, there is nothing to suggest that the opponent was actuated either by malice or by an improper motive. The complainants are attempting to link their automatic discharge with the reference, which is pending disposal on the file of this Court. This reference cannot come in the way of automatic discharge. The complaint is found devoid of merits.

AWARD.

The complaint is dismissed. No order as to costs.

Place : Hubli

Date : 3rd August 1967.

SYED AZIZUDDIN AHMED,
Residing Officer
Labour Court, Hubli.

ANNEXURE*Witnesses examined for Complainants*

C.W. 1 Deju Shetty S/o Ramanna Shetty.

Witnesses examined for Opponent

O.W. 1 Ramesh. P., S/o P., Mahabaleshwar Holla.

Documents marked for Complainants

Exhibits :

W. 1 Meeting Book of the Union.

Documents marked for Opponent

M-1 Application dated 4-11-66 of Sri Deju Shetty.

M-2 Do 7-11-66 of Sri K. Babu.

M-3 Do Do of Sri K. P. Sundara Setty

M-4 Do Do of Sri Poovappa.

Place : Hubli

Date : 3rd August 1967.

SYED AZIZUDDIN AHMED,

Presiding Officer.

Labour Court, Hubli.

GOVERNMENT OF MYSORE

FOOD CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Sri Krishnarajendra Mills Ltd., Bangalore Road, Mysore-3.

Award of the Labour Court, Bangalore published.
Read the following papers :

(1) Letter No. 505/67-68 dated 1st August 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated 1st day of August 1967.

Present :

Sri P. T. KADKOL, B. SO., LL.B. ... Presiding Officer.

Reference. No. 69 of 1966.

Workmen represented by the President, Sri Krishnarajendra Mills Karmikara Sangha, Shivaji Road, N. R. Mohalla, Mysore.
... *I Party.*

Vs.

The Management of Sri Krishnarajendra Mills Ltd., Bangalore Road, Mysore-3.
... *II Party.*

AWARD

The Government of Mysore being of opinion that an Industrial Dispute exists between the Workmen and the Management of Sri Krishnarajendra Mills Ltd., Mysore have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 191 LLD 66, dated 1st June 1966, setting out the following points of dispute for adjudication :—

“Is the Management of Sri Krishnarajendra Mills Ltd., Mysore, justified in promoting (1) Sri. Madaiah, T. No. 368, Weaving, (2) Singraiah, T. No. 102, Weaving, (3) Chickkaiah, T. No. 188, Weaving and (4) Chikkaiah, T. No. 256, Weaving as helpers overlooking the principles of seniority-cum-merit and

denying the benefits of promotion to the workers in the enclosed list? If not to what other reliefs these workers are entitled?

ANNEXURE.

Sl. No.	Name	Auto-loom.	T. No.	Service in years
1	Jegaiah	...	AL 25	27
2	Venkataiah P. R.	...	AL 2	26
3	Krishnaiah	...	AL 23	26
4	Chikkathimmaiah	...	AL 20	24
5	Sannaiah	...	AL 22	22
6	Gopal	...	AL 6	20
7	Eswar	...	AL 20	20
	Nagendra	...	AL 17	20
9	Shivalingaiah	...	AL 1	20
10	Balaram	...	AL 23	20
11	Venkataramanaiah	...	AL 28	19

PLAIN LOOM.

1	Rachiah	...	94	23
2	Madaiah	...	20	25
3	Nagalingappa	...	127	24
4	Perumal	...	352	23
5	Thammaiah	...	213	22
6	Thammaiah	...	243	22
7	Mariswamy	...	173	21
8	Chandrasekhar	...	56	20
9	Kanlan	...	26	19

2. The cause of the aggrieved workmen has been sponsored by Sri Krishnarajendra Mills Karmikara Sangha, which is a registered Trade Union. This Union as representing the workmen is the first party and the management of Sri Krishnarajendra Mills is the second party in this proceeding. The four workmen mentioned in the order of reference were added as additional second party by order dated 21st September 1966 (*Vide* order Sheet). The first party is represented by Mr. Sanjeevayya, its president, the second party by Sri B. R. Puttananjappa and the additional second party by Mr. Puttaswamy.

3. After receipt the respective statements from the parties issues were framed and set down for hearing on 20th January 1967 (*Vide* Order sheet).

4. On 11th July 1967 when the case came on for hearing at Mysore camp the representatives of the parties appeared and filed joint memorandum of settlement, marked Ex. A., and prayed for an award being passed in terms thereof. I have perused the terms of settlement and find them fair and reasonable. I accept the settlement and proceed to pass an award as under:—

AWARD.

Reference is accepted. Award is made between the parties in terms of the memorandum of settlement, Ex. A., which should be annexed to this Award and be deemed as forming part thereof. Parties do bear their own costs.

P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HON'BLE LABOUR COURT, BANGALORE.

Ref. No. 69 of 1966.

I Party :—Workmen of Sri Krishnarajendra Mills Ltd., Represented by K. R. Mills Karmikara Sanga.

Vs.

II Party :—Management of Sri Krishnarajendra Mills Ltd.,

Memo submitted by the parties.

The above parties submit that they have settled the above-dispute in the following manner.

(1) Taking into consideration the service and performance of Sri P. R. Venkataiah, Al. No. 2 who is one of the persons in the list of aggrieved weavers which the First Party Union has filed in these proceedings and in view of the fact that he is already working in the Auto-loom Shed, it is agreed that the Management should confirm the said Sri P. R. Venkataiah as Helper in the Auto-Loom Shed, with effect from 1st August 1967.

(2) It is further agreed that Sri M. Nagalingappa T. No. 27, who is also in the above list of aggrieved weavers, will be taken as a Helper in the Auto-Loom Section within 1st September 1967.

(3) It is agreed that in future whenever vacancies arise in the Auto-loom shed, the Management will effect promotions on the basis of seniority *cum* merit. It is agreed, however, that this will not preclude the Management from making direct recruitment to posts in the Auto-loom Shed, in special cases.

(4) In view of the acceptance, by the Management, the above terms, the first Party Union does not press its claims in regard to the other aggrieved weavers.

2. Both parties pray that the Hon'ble Court be pleased to pass an Award on the above terms.

3. It is agreed that each party should bear its own costs.
Dated at Mysore this 11th day of July 1967.

For the I Party.

Sd/- I. S. Sanjjeviah,
President of the
I Party Union.

Sd/- M. R. Puttaswamy,
For Additional Second Party.

For the II Party.

1. Sd/- B. R. Pattananjappa,
Authorised Representative.

2. Sd/- Dwarakanath,
Labour Officer.

" COPY "

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

(Filed, Recorded and
Marked Ex. A.)
Intd P.T.K. 11-7-1967.

ORDER.

Bangalore, dated 19th August 1967,

S. O. 1689.—WHEREAS by State Government Order No. LMA 191 LLD 66, dated 1st June 1966, the Industrial Dispute between the Workmen and the Management of Sri Krishnarajendra Mills Ltd., Bangalore Road, Mysore-3. was referred to the Labour Court, Bangalore for adjudication.

AND WHEREAS, the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 191 LLD 66.]

By Order and in the name of the Governor of Mysore,

921

G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore, dated 29th August 1967.

S.O. 1690.—In exercise of the powers conferred by sub-section (3) of Section 4-C of the Mysore Town and Country Planning Act, 1961 (Mysore Act No. 11 of 1963), and in supersession of the order No. LMA 142 (2) MNP 65, dated 8th August 1967, the Government of Mysore hereby appoints the following to be the members of the Planning Authority of the Bangalore City Planning Area, constituted in Notification No. LMA 142 MNP (1) 65, dated the 8th August 1967.

Under Section 4-C (3) (1)	The Administrator, Bangalore City Corporation, Bangalore	Chairman
Under Section 4-C (3) (ii)	The Town Planning Officer Bangalore Metropolitan Planning Area :	... Member-Secretary
Under Section 4-C (3) (iv)	(1) Shri P. Shivashankar, Member, City Improvement Trust Board, Bangalore. (2) Shri A. Krishnamurthy, Ex-President, Mysore Chamber of Commerce, Bangalore. (3) Shri G. Narayana, Ex-Mayor, Bangalore City Corporation, Bangalore.	

[No. LMA 142 (2) MNP 65.]

By Order and in the name of the Governor of Mysore,

N. S. RAMACHANDRA,

Secy. to Government,

Municipal Administration Department.

CORRIGENDUM

Bangalore, dated the 31st August 1967.

S.O. 1691.—Read “The Administrator, Corporation of the City of Bangalore, Bangalore,” for words “The Administrator, Bangalore City Corporation, Bangalore,” occurring at serial number one in the Government Order No. LMA 142 (2) MNP 65 dated 29th, August 1967.

[No. LMA 142 (2) MNP 65].

By Order and in the name of the Governor of Mysore,

990

P. V. JOSHI, *Under Secy.*

ORDER.

Bangalore, dated 29th August 1967.

S.O. 1692.—In exercise of the powers conferred by sub-sections (3) and (4) of Section 4-C of the Mysore Town and Country Planning Act, 1961. (Mysore Act No. 11 of 1963) and in supersession of the Order No. LMA 142(3) MNP 65, dated 8th August 1967, the Government of Mysore hereby directs that the Planning Authority for the Bangalore City Planning Area constituted in Notification No. LMA 142(1) MNP 65, dated 8th August 1967 shall consist of :

- | | |
|---|---|
| (1) The Administrator, Bangalore City Corporation, Bangalore. | Chairman—Appointed under Section 4-C (3) (i) <i>vide</i> Order No. LMA 142(2) MNP 65, dated 29th August 1967 ; |
| (2) The Town Planning Officer, Bangalore Metropolitan Planning Area ; | Member-Secretary—Appointed under Section 4- (3)(ii), <i>vide</i> Order No. LMA 142(2) MNP 65, dated 29th August 1967. |
| (3) Shri J. Srinivasa Reddy, Member, Taluk Development Board, Bangalore (South) | Members nominated by Local Authorities under Section 4-C (3) (iii) (b). |
| (4) President, Taluk Development Board, Bangalore (North) | |
| (5) <i>Ex-officio</i> Vice-President, H.A.L Sanitary Board, Bangalore | |
| (6) Shri P. Shivashankar, Member, City Improvement Trust Board, Bangalore | Members—Appointed under Section 4-C (3) (iv) <i>vide</i> Order No. LMA 142(2) MNP 65, dated 29th August 1967. |
| (7) Shri A. Krishnamurthy, ex-President, Mysore Chamber of Commerce, Bangalore | |
| (8) Shri G. Narayana, ex-Mayor, Bangalore City Corporation, Bangalore | |

Shri P. Shivashankar is appointed as Vice-Chairman of the Planning Authority.

[No. LMA 142(3) MNP 65.]

By Order and in the name of the Governor of Mysore,

N. S. RAMACHANDRA,

Secy. to Government,

Municipal Administration Department.

CORRIGENDUM.

Bangalore, dated the 31st August 1967.

S. O. 1693.—Read “The Administrator, Corporation of the City of Bangalore, Bangalore,” for words “The Administrator, Bangalore City Corporation, Bangalore,” occurring at serial number one in the Government Order No. LMA 142 (3) MNP 65 dated 29th, August 1967.

[No. LMA 142 (3) MNP 65.]

By Order and in the name of the Governor of Mysore,

991

P. V. JOSHI, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 26th August 1967.

S. O. 1694.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Mica to Shri B. N. Mane in the following areas of the Chitradurga Taluk, Chitradurga District, on the terms and conditions mentioned below:—

<i>Village</i>	<i>S. No.</i>	<i>Area</i>
Isamadra	174 (Part)	70 Acres (28.33 Hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions.—

1. The licence shall be operative for a period of One year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a prospecting fee of Rs. 2.50 per hectare of the land covered by the licence for each year or portion of a year;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957 and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed'

under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under Licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with Survey Numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him deposit as Security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified Geologist or a Mining Engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage .

13. The area mentioned above is subject to verification after actual survey .

[No. CI 159 EPO 67.]

By Order and in the name of the Governor of Mysore,

958

N. NARAYANASWAMY, *Under Secy*

NOTIFICATION.

Bangalore, dated 28th August 1967.

S. O. 1695.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Iron Ore to Sri S. R. Doddanavar, in the following areas of the Mundargi Taluk, Dharwar District, on the terms and conditions mentioned below :—

<i>Villages.</i>	<i>S. Nos.</i>	<i>Area</i>
Doni	Parts of F. S. Nos. 154, 155, 156, 146 & 147	140 Acres (56-66 hectares)

(As delineated in the Plan as furnished by the Department of Mines and Geology)

Terms and Conditions.—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desires, and to recover the cost of the same from the licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting Licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified Geologist or a Mining Engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage;

13. The area mentioned above is subject to verification after actual survey.

[No. CI 56 EPI 67.]

By Order and in the name of the Governor of Mysore,

978

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION

Bangalore, dated 28th August 1967.

S.O. 1696—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Yellow Ochre to Shri R. T. Bhandage in the following areas of the Dharwar Taluk, Dharwar District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Hosakatti	1 to 8, 14, 16, 17, 20 to 24, 27 to 31 58 & 62.	288.19 Acres (116.63 hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and conditions—

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage ;

13. The area mentioned above is subject to verification after actual survey.

[No. CI 119 EPI 67.]

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY,
Under Secretary.

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 29th August 1967.

S. O. 1697.—In exercise of the powers conferred by sub-section (1) of Section 30 of the Mysore Forest Act, 1900 (Mysore Act No. XI of 1900), as in force in the Mysore Area, the Government of Mysore hereby directs that the area specified in the schedule below which was constituted as a State Forest by Government Order No. G. 3483-Ft. 89-38-2 dated 19/20th October 1938, shall cease to be State Forest with effect from the date of this Notification.

• SCHEDULE

District	Village	Taluka and Hobli	Name of the Reserve Dis-forested	S. No.	Area of the reserve		Remaining area
					A	G	
Chick-magalur	Ramanahally	Kasaba Hobli	Rathnagiri Hill reserve	152	34	31	
		Chick-magalur Tq.		153	30	10	
				Total	65	01	

The boundaries of the above Reserve are as under :

North.—Starting from the point which is 2 chains north to the North-East corner of survey No. 149 of Ramanahally village, the line runs slightly North-East along the southern boundary of S. No. 150 and 151 of Ramanahally village for a distance of 13 chains and meets the North-West corner of S. No. 25 of Kempanahally Village.

East.—The line turns South-East and south and follows the common boundary between Kempanahally village and Ramanahally village for a distance of 32 chains and meets the Northern most corner of S. No. 3 of the last named Village.

South.—Then the line turns west and follows the northern boundaries of S. Nos. 3 and 1 of Ramanahally village and meets the North-West corner of last named S. No. 1. Then the line turns, South-West and follows the Western boundary of S. No. 1 of Northern boundary of the village site and Western boundary of S. No. 14, of Ramanahally village and meets the Santheveri-Chickmagalur High Road at the Western most corner of survey number 14 of the same village.

West.—Then the line turns North-West and follows the above High Road for a distance of 17 chains till it meets the South-West corner of S. No. 149 of Ramanahally village. Then the line turns North-East and follows the southern boundary of S. No. 149, of the same village for a distance of 10 chains and meets and the South-East corner of the same survey number. Then the line turns North and follows Eastern boundary of S. No. 149, and the Southern Boundary of S. No 150 of the village for a distance of 17 chains and meets the starting point.

[No. AFD 45 FAF 67.]

By Order and in the name of the Governor of Mysore.

M. W. WINSTON,

Under Secy. to Govt.,

Agri. and Forest Department.

NOTIFICATION.

Bangalore, dated 27th August 1967.

S.O. 1701.—In exercise of the powers conferred by subsection (1) of Section 27 of the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the erstwhile Bombay Area, the Government of Mysore is pleased to direct that the area specified below, which in the erstwhile Bombay Government Notification No. 3068, dated 3rd May 1899, was declared to be reserved forest under Section 19 of the Indian Forest Act, 1878 (VII of 1878), shall cease to be reserved forest from the date of this notification.

Specification of land to be disforested.

<i>District</i>	<i>Taluka</i>	<i>Village</i>	<i>F. S. No.</i>	<i>Area</i> A. G. Ans.
North Kanara	Sirsi	Kop	115A1	0—1—0

Boundaries :—

North.—S. No. 26
 East.—S. No. 25
 South.— } F. S. No. 115A1A.
 West.— }

Remarks.—Formed into a separate S. No. viz. 115A1B. The area still remaining in the reserved forest being assigned S. No. 115A1A.

[No. AFD 91 FAF 67.]

By Order and in the name of the Governor of Mysore,

REVENUE SECRETARIAT

ORDER

Bangalore, dated 8th August 1967.

S. O. 1702.—WHEREAS the draft notification of the scheme of Consolidation of Holdings in respect of Khata Nos. 4, 20 and 27 of Mullal Village, Bagewadi Taluk, Bijapur District, proposed to be made by the Government of Mysore, was published in Order No. RD 225 TCO 65, dated 3rd January 1967 as required under Section 32 (1) of Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act No. LXII of 1947);

AND WHEREAS no objections were received by the State Government in respect of the said draft variation.

NOW, THEREFORE, in exercise of the powers conferred by Section 32 (3) of the said Act, the Government of Mysore confirms the varied scheme as indicated hereunder.

The confirmed scheme of the Consolidation of Holdings of Mullal Village, Bagewadi Taluk, Bijapur District, shall be published in the Official Gazette and in the prescribed manner in the village concerned as required under sub-section (3-A) of Section 32 of the said Act.

AGRICULTURE AND FOREST SECRETARIAT

NOTIFICATION.

Bangalore, dated 29th August 1967

S. O. 1699.—With reference to erstwhile Bombay Government Notification No. 3068-C, dated 3rd May 1899, the Government of Mysore is pleased to direct that the land in the Sirsi Taluka of the North Kanara District, specified in the schedule hereto annexed, shall cease to be protected Forest from the date of this Notification.

SCHEDULE

Village	Betta S. No.	Area	Boundaries
Masigaddo	237	2-0-0	North : B.S. No.173A & F. S. No. 274A1. East : F. S. No. 274A1. South : B. S. No. 113 West : B. S. No. 237A.

Remarks :—Formed into a separate S. No. Viz. 237B. The area still remaining in the protected forest being assigned S.No. 237A.

[No. AFD SS FAF 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore, dated 29th August 1967.

S.O. 1700.—In exercise of the powers conferred by subsection (1) of Section 27 of the Indian Forest Act, 1927 (Central Act, XVI of 1927), as in force in the erstwhile Bombay area, the Government of Mysore is pleased to direct that the area specified below, which in the erstwhile Bombay Government Notification No. 3068, dated 3rd May 1899 was declared to be reserved forest under Section 19 of the Indian Forest Act, 1878 (VII of 1878) shall cease to be reserved forest from the date of this notification.

Specification of land to be disforested.

<i>District.</i>	<i>Taluka.</i>	<i>Village.</i>	<i>F. S. No.</i>	<i>Area.</i> A.G.A.
North Kanara.	Sirsi	Hanchirata	20A	0-15-0

Boundaries :

North } S. No. 18
 East }
 South—F. S. No. 20A1
 West —S. No. 17

Remarks.—Formed into a separate S. No. viz. 20A2. The area still remaining in the reserved forest being assigned S. No. 20A1.

[No. AFD 12 FAF 67.]

By Order and in the name of the Governor of Mysore,

COMMERCE AND INDUSTRIES SECRETARIAT

GOVERNMENT OF MYSORE

(COMMERCE AND INDUSTRIES DEPARTMENT)

Subject.—Determination of Mining Lease granted to M/s. Ashoka Minerals and Trading Company for Iron Ore over an area of 40-87 hectares in Dodbyalakere Village, Taluk Hosdurga, District Chitradurga for a period of 20 years.

READ.—

- (i) Government Order No. CI 82 MML 63, dated 30th May 1963/1st June 1963
- (ii) Government Letter No. CI 155 EMO 66, dated 27th/29th July 1966.
- (iii) Letter No. 24 URN 66, dated 20th June 1967 from the Director of Mines and Geology, Bangalore.

PREAMBLE—

Government in their Notification read at (i) above, sanctioned the grant of Mining Lease over the above mentioned area to M/s. Ashoka Minerals and Trading Co., and the said lease bearing No. 562 was executed on 25th September 1963.

In the Government letter at (ii) read above, Government issued a notice to the lessees calling upon them to pay the arrears of Rs. 648 towards dead rent due to Government, up to 31st December 1965, within a period of sixty days from the date of that letter, failing which further proceedings would be taken to determine the Mining Lease in question and also forfeit the whole of the Security Deposit paid by the lessees on this account.

The Director, Mines and Geology, Bangalore, in his letter read at (iii) above, reports that M/s. Ashoka Minerals and Trading Company have not taken any steps to commence mining operations and to clear the arrears due to Government in spite of having allowed 3 months time over and above the notice period. Hence the Director advises the Government that the Mining Lease in question may be determined.

4107

ORDER.

Bangalore, dated the 23th August 1967

S. O. 1698.—Government hereby order determination of the abovementioned Mining Lease granted to M/s. Ashoka Minerals and Trading Company with effect from 28th September 1966 and also the adjustment of the Security Deposit, etc., paid by the Lessees against the dues.

[No. CI 132 EMO 67.]

By Order and in the name of the Governor of Mysore,

929

N. NARAYANASWAMY, *Under Secy.*

LAW SECRETARIAT

NOTIFICATION.

Bangalore, dated 28th August 1967.

S. O. 1703.—In exercise of the powers conferred by clause (6) of Section 3 of the Indian Lunacy Act, 1912 (Central Act No. 4 of 1912), the Government of Mysore hereby specially empower Shri K. S. Narayana Sastry, B.sc. B.L., Munsiff-*cum*-First Class Magistrate, Harapana-halli to perform the functions of a Magistrate under the said Act.

[No. LAW 69 LAC 67 (V).]

By Order and in the name of the Governor of Mysore,

984

R. A. RAMASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 28th August 1967.

S. O. 1704.—In exercise of the powers conferred by clause (6) of Section 3 of the Indian Lunacy Act, 1912 (Central Act No. 4 of 1912), the Government of Mysore hereby specially empower Shri S. Narasinga Rao, B. A. LL.B. Munsiff-*cum*-First Class Magistrate, Hadagalli to perform the functions of a Magistrate under the said Act.

[No. LAW 69 LAC 67 (VI)].

By Order and in the name of the Governor of Mysore,

985

R. A. RAMASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 28th August 1967.

S. O. 1705.—In exercise of the powers conferred by section 37 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), the Government of Mysore hereby invest Shri K. S. Narayana Sastry, B.sc., B.L., Munsiff-cum-First Class Magistrate, Harapanahalli, with powers to try offences summarily under Section 260 of the said Code.

[No. LAW 69 LAC 67 (IV).]

By Order and in the name of the Governor of Mysore,

R. A. RAMASWAMY,

983

Under Secretary to Government, L. D.

NOTIFICATION.

Bangalore, dated 28th August 1967.

S. O. 1706.—In exercise of the powers conferred by clause (6) of section 3 of the Indian Lunacy Act, 1912 (Central Act No. 4 of 1912), the Government of Mysore hereby specially empower Shri P. K. Deshpande, B.A., LL.B., Munsiff-cum-First Class Magistrate, Kudligi, to perform the functions of a Magistrate under the said Act.

[No. LAW 69 LAC 67 (III).]

By Order and in the name of the Governor of Mysore,

R. A. RAMASWAMY,

982

Under Secretary to Government, L. D.

LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated the 29th August 1967.

S. O. 1707.—In exercise of the powers conferred by Section 13 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore determines that :—

(i) the number of territorial divisions into which the Town Municipality of Ramdurg, Belgaum District shall be divided shall be five ;

(ii) the extent of each, of the said divisions shall be the area comprised within the limits of the boundaries indicated in column 2 of the Schedule annexed to this Notification ;

(iii) the number of seats allotted to each territorial division shall be as indicated in column 3 of the schedule annexed to this Notification :

(iv) the number of seats reserved for Scheduled Castes and women in each territorial division shall be as indicated in columns (4) and (5) respectively of the said Schedule ;

the draft of the Notification, having previously published as required by Section 13 of the said Act in Notification No. LMA 26 TEL 67, dated the 3rd May 1967, as Standing Order No. 906 in the *Mysore Gazette* dated 29th May 1967.

SCHEDULE

Number of Division	Extent of territorial Division	No. of seats allotted	No. of Seats reserved for	
			Sch. Castes	Women
1	2	3	4	5

Ward North.—West Naka Road from R. S. Three One
No. I No. 38 of Turnur to the east of
C. T. S. No. 3260.

South.—Malaprabha River.

East.—Bhagava River Road starting from
Bhagava River to the C. T. S.
No. 3260 via Marathi Boys'
School, Dr. Apte's Nursing Home
and then northwards from C. T.
S. No. 3239.

West.—Western boundary of Turnur
S. No. 37 and 38.

Ward North.—S. No. 23 of Turnur and S. Nos. Three
No. II. 38, 37, 35, 41, 42, 43, 26, 24 to
27 meeting at Sureban Road.

South.—Sureban Road starting from S.
No. 27 and moving Westwards
and ending at C. T. S. No. 2952
via Southern side of C. T. S.
No. 2632 and Bazar Road.

East.—P. W. D. Rest House.

West.—Dispensary Road starting along
Eastern boundary of C. T. S. No.
2952. Then turning Western side
along the southern Boundary of
Wada Road and then turning
Northwards near Apte's Nursing
House along the Western boun-
dary of Paga Road up to C. T. S.
No. 3260.

1	2	3	4	5
Ward North.—Bazar road starting from C.T.S. No. III	No. 2952 to C. T. S. No 2749 and therefrom passing the South, along the Kumbhar Galli road upto C.T.S. No. 836 and then turning to East to go upto C.T.S. No. 868 and therefrom upto C. T. S. No. 1263 via C.T.S. No 1178 changing directions to the South at C.T.S. No. 868 and the East at C.T.S. No. 1178.	Three		
	South.—River Malaprabha.			
	East.—Road to Bankarpeth River starting from C.T.S. No. 1263 to River Malaprabha via back lane of Banashankari Temple.			
	West.—Bhagava River Road starting from Bhagava River to C.T.S. No. 2952.			
Ward North.—Bazar Road commencing from No IV	C. T. S. No. 2483 and passing through Chamber Galli to meet C. T. S. No. 1890/2 along Turnur-Sureban Road.	Three	...	One
	South.—River Malaprabha.			
	East.—Starting from C. T. S. No. 1890/2, i.e., Kannada Boys School at Radhapurpeth and moving Southwards to C. T. S No. 1809, via Eastern side of C. T. S. No 1827. Thereafter from Radhapurpeth main Road and along Kashipeth and Banakarpeth Roads to meet Ghat at Narayanapeth.			
	West.—Starting from Banakarpeth River Road to the North up to C. T. S. No. 1263. Thereafter to the West along the Nekarpeth Road to			

1	2	3	4	5
	C. T. S. No. 1178 then to C. T. S. No. 836 along the Maddi River Road and then to the North passing along Kumbhar Galli to C. T. S. No. 2483.			
Ward No. V	North.—Turnur Sureban Road from C. T. S. No. 1890/2 to C.T.S. No. 1886. Then towards North S. No. 246 of Kilabnur to the East S. No. 182 of Kilabnur <i>via</i> R. S. No. 246 and West boundary of S. No. 20 both of Kilabnur.			Three
	South.—Kilabnur S. Nos. 1, 2, 3, 4, 5, 231, 232, 280 Kilabnur Gaothana and River Malaprabha.			
	East.—Municipal limit.			
	West.—Starting from Narayanapeth Ghat and moving towards North up to Radhapurpeth main road in between Kashipeth and Banakarpeth from thence moving along Eastern side of C. T. No. 1809 and C. T. S. No. 1827 to meet Sureban Road at C. T. S. No. 1890/2.			
			Fifteen	One One

[No. LMA 26 TEL 67].

By Order and in the name of the Governor of Mysore,
 967 K. ABDUL RAHIM KHAN, *Under Secy.*

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 31st August 1967.

S. O. 1708.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act, 1949 (Bombay XX of 1949), the Government of Mysore are pleased to sanction fresh affiliation of the Kottureswar College, Kottur to the Karnatak University, for teaching Pre-University Courses in Arts and Science for a period of one year from June 1967 subject to the conditions laid down by the Karnatak University. The Management should be prepared to run the P.U.C. on its own resources, if Government grant is not available.

[No. ED 27 UAC 67.]

By Order and in the name of the Governor of Mysore,
993 S. N. SREENATH, *Under Secretary.*

LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated the 29th August 1967.

S. O. 1709—In exercise of the powers conferred by Section 13 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964), the Government of Mysore determines that :—

- (i) the number of territorial Divisions into which the Byadgi Town Municipal Council Dharwar District shall be divided shall be five ;
- (ii) the extent of each of the said Divisions shall be the area comprised within the limits of the boundaries indicated in column (1) of the schedule annexed to this Notification ;
- (iii) The number of seats allotted to each territorial division, shall be three for each division, and
- (iv) the number of seats reserved for scheduled castes and women in each territorial Division shall be as indicated in columns (4) and (5) respectively of the said schedule ;

the draft of the notification, having previously published as required by section 13 of the said Act in Notification No. LMA 13 TEL 66 dated 3rd March 1967, on page 1475-82, part IV-2C(ii) of the *Mysore Gazette* dated the 27th April 1967.

SCHEDULE.

Number of Division	Extent of territorial Division	No. of seats allotted	No. of Seats reserved for	
			Sch. Castes.	Women
1	2	3	4	5

I *West.*—It starts from the N. W. Corner of the Municipal limits in R. S. No. 276, proceeds southwards along the eastern boundary of the old Motebennur Road and goes upto the S. E. Corner of R. S. No. 269.

South.—It starts from the S. E. Corner of R. S. No. 269 and proceeds eastward along the Northern border of Bazaar road upto the Station road and proceeds along the northern border of the Kakol road and goes upto the S. E. Corner of R. S. No. 11-B.

East.—It starts from the S. E. Corner of R. S. No. 11-B and proceeds Northern along the eastern boundary of R. S. No. 11-B and joins the S. W. Corner of R. S. No. 33. Thence it proceeds along the Southern and Eastern border of the said number and goes upto the N. E. Corner of R. S. No. 33. From there it goes eastward along R. S. No. 36 upto the S. E. Corner and thence it goes Northward along the Eastern boundary of R. S. Nos. 36, 322, and 38. Then it crosses the Chatra road and goes along the eastern boundary of R. S. No. 41 and joins the N. E. corner.

North.—It starts from the N. E. Corner of R. S. No. 41, proceeds westward and goes along the northern boundary of R. S. Nos. 41, 44, 45, 46, 304, 303, 309, and 310 and joins the N. W. Corner of R. S. No. 310. Then it goes southward along the western boundary of R. S. No. 310 and 311. and goes upto the S. W. Corner of R. S.

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No. 311. Going westward from there it proceeds along the Northern boundary of R. S. Nos. 312, 289, 290, 284, 272, and 273, and goes upto the North western corner of R. S. No. 273. From there it proceeds northward along the eastern boundary of R. S. No. 276 and joins the N. W. Corner of the Municipal limits in the said number.

II. *West.*—It goes from the North-western corner of CTS No. 453, proceeds southward along the eastern border of Shankari Temple road and goes upto the S. W. Corner of CTS No. 868, Crossing the Shankari Temple road and joining the N. W. corner of CTS No. 1533 and 1534 it goes along the eastern border of Katagargalli road and then joins the S. W. Corner of CTS No. 1501-A/1A/2. 3

South.—It goes from South-west corner of CTS No. 1501A/1A/2 along the northern boundary of new road connecting Katagargalli and Goni Basappa Temple road. It proceeds Eastward and joins the S. E. Corner of CTS No. 1445.

East.—It goes from S. E. Corner of CTS No. 1445 proceeds northward along the western border of Goni Basappa Temple road and joins the N. E. corner of CTS No. 981. It crosses Shankari Temple road and goes along the Eastern border of CTS Nos. 598 969 and 760 and joins the S. W. Corner of CTS No. 693 From there it goes eastward along the northern border of Shettar Galli road and joins the S. E. corner of CTS No. 577-C. Then going northward it proceeds along the western border of the said road and joins the N. E. Corner of CTS No. 386.

North.—It goes from the N. W. corner of CTS No. 386 and proceeding westward goes

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along the southern border of the Bazaar road and joins the Northwest corner of CTS No. 453.

III. *North.*—From the N. W. Corner of CTS No. 755, 3
it goes Eastward along the Southern border of Shettar Galli road and joins the N. W. corner of CTS No. 384/A. Then going eastward, it proceeds along the southern border of the Bazaar road and the Kakol road and joins the N. E. Corner of R. S. No. 25. Then going round the Eastern and the Southern boundary of the said R. S. No. joins the Kakol road at the South-west corner of the said number.

East.—It goes southward from the N. E. Corner of R. S. No. 140 and goes along the eastern boundary of R. S. No. 140 and going round the southern border of this number it joins the eastern border of the old Kadarmandalgi road. Going southward from there it passes along the eastern border of the road and joins the S. E. Corner of R. S. No. 162.

South.—It starts from the S. E. corner of R. S. No. 162 and goes westward along the northern border of the new Kadarmandalgi road and joins the S. W. corner of CTS No. 1169-B. From there it goes northward along the eastern border of... of the Kadarmandalgi road and joins the N. W. Corner of CTS No. 1134. From there it crosses the Kadarmandalgi road and joins the S. E. Corner of CTS No. 925-B. From there it goes westward along the northern border of the said road and joins the S. W. Corner of CTS No. 935-B/2. Then it proceeds northward along the eastern border of the said road and joins the Northwest corner of CTS No. 938. Then it crosses the Dandinpeth road and joins the S. E. Corner of CTS No. 506.

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From there going westward along the northern border of the said road and going round the southern part of CTS Nos. from 948 to 951 and 1039 to 1041 and 1013 and 1044 and joins the S. W. Corner of CTS No. 900. From there going westward along the northern border of the said road it joins the S. W. Corner of CTS No. 874.

West.—It goes northward from the South-west corner of CTS No. 874 and passing along the eastern border of the road it joins the N.W. corner of CTS No. 755.

IV *North.*—It starts from the N. W. Corner of CTS No. 1501/A2 which is on the southern border of the newly constructed road joining Kataragalli and Goni Basappa Temple road. Proceeding eastward along the southern border of this road comes upto North-East corner of CTS No. 1412 and crosses the Goni Basappa Gadi road at CTS No. 1419. Then proceeding northward along the eastern border of Goni Basappa Temple road comes upto the Northwest corner of CTS No. 980. From there proceeding eastward along the Southern border of Dandin Peth Road comes upto the N. E. Corner of CTS No. 954. Then crossing Channagondar road joins the North-eastern corner of CTS No. 1069. From there, starting eastward along the Southern border of the Dandin Peth Road comes upto the N.E. corner of CTS No. 939. Then starting southward along the Western border of Kadarmandalgi road comes upto CTS No. 1123 Crossing Halpeth Road joins the Northwest corner of CTS No. 1207. Then proceeding eastward along the southern border of Kadarmandalgi road joins the North-Eastern corner of CTS No. 1132-C. From there starting southward along the western border of Kadarmandalgi road comes upto N.E. corner of CTS No. 1179. Then going

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eastward along the Southern boundary of Kadar andalgi Road joins S.E. corner of R.S. No. 162.

South —It starts from the South-east corner of R.S. No. 162 proceeds westward along the southern border of R.S. Nos. 162, 167 and joins the South-west corner of R.S. No. 167. Starting from there along the eastern boundary of Mahar road joins the North-west corner of CTS No. 1501/A2.

East & West.—No Eastern or western boundaries.

V *East.*—Starting from Nalla in S. No. 219, it crosses Jaredhalli road it proceeds Southward along the eastern border of the said road and comes upto N.W. corner of R.S. No. 266. Then proceeding eastward along the northern boundary of R. S. No. 266 comes upto the western border of Moie-bennur old Road. From there proceeding southward along the western border of this road and including CTS No. 20 joins the corner of CTS No. 1011 which is at the end of western border of Shantarigudi road. And proceeding along the western border of this road Kargalli Road and Mahar road joins South-eastern corner of R. S. No. 177. Three One ...

South.—It goes westward from the South-East corner of R.S. No. 177 and proceeds along the southern boundary of R. S. No. 177, crosses Ramagondanahalli road, proceeds northward along the western boundary of that road and then proceeds along southern boundary of R. S. Nos. 180/B, 181, 182. Then it crosses Hansabhavi road and goes westward straight upto R. S. No. 187. It further proceeds along southern boundary of R. S. Nos. 187, 183, 184, 185, 204 and 205 and joins the South-west corner of R. S. No. 205.

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West.—It starts from the South-West corner of R. S. No. 205, proceeds northward goes along the western border of R. S. No. 205, crosses the Gummanahalli road, then goes along the Western boundary of R. S. Nos. 206, 203, 202, 201 and 200 and crosses the road there. Then it goes along the western boundary of R. S. Nos. 217 and 324 and joins the stream at the limit of the Municipal boundary in S. No. 219.

North.—It starts eastward (along the stream) from the North-west corner of the Municipal limit in R. S. No. 219 and going upto the Western border of the Taredhahalli road, it joins the eastern border of the said road.

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[No. LMA 13 TEL 67.]

By Order and in the name of the Governor of Mysore,

K. ABDUL RAHIM KHAN, *Under Secretary.*

PART IV

Section 2-C—(ii)

**STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT
UNDER THE CENTRAL ACTS AND STATE ACTS.**

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 2nd September 1967.

S. O. 1711.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Aleysins Transport, Mangalore, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

Now, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute.

- I. "Is the Employer of Aleysins Transport (Lorry No. MYX 4193) Vani Valas, Mangalore, Justified in not paying their driver Sri G. M. Abdul Aziz, his arrears of salary since June, 1965 and refusing him employment from 2nd April 1966?"
- II. If not to what relief is the worker entitled to?"

[No. FCL 529 LLD 67.]

By Order and in the name of the Governor of Mysore,...

G. G. PUROHIT, *Under Secy.*

REVENUE SECRETARIAT.

ORDER.

Bangalore, dated 26th August 1967.

S. O. 1712.—WHEREAS the draft variation scheme of the Consolidation of Holdings of Anachi village, Indi taluk, Bijapur district proposed to be made by Government of Mysore was published in Order No. RD 68 TCO 64, dated 6th July 1965 and Erratum No. RD 68 TC 64 dated 13th May 1966 as required by Section 33 of Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act No. LXII of 1947).

AND WHEREAS the objections have been received by the State Government in respect of the said draft variation.

NOW, THEREFORE, in exercise of powers conferred by section 33 read with sub-section 4 of Section 20 of the said Act, the Government of Mysore hereby confirms the varied scheme as indicated hereunder.

The confirmed variation scheme of the Consolidation of Holdings of Anachi village, Indi Taluk, Bijapur District, as indicated hereunder shall be published in the Official Gazette and the prescribed manner in the Village concerned as required under sub-section (1) of Section 21 of the said Act.

CONFIRMED VARIATION SCHEME.

Village : Anehi;

Taluk : Indi;

District : Bijapur.

As per record of rights.

As per proposed variation U/S 33

R. No.	Sy. No.	H. No.	Total Area	Assessment	Valuation	B. No.	Remarks	R. No.	Sy. No.	H. No.	Total Area	Assessment	Valuation	B. No.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
26	33	...	18-19	10-0-0	...	...	On consent	26	33	Part towards West	9-35	6-1-0	...	61a
	35	2	9-35	7-12-0	...	...	On consent	...	34	1	3-36	3-9-0	...	...
									34	2	5-30	3-5-0	...	...
										Part towards West				
Total of Khata			28-14	17-12-0	...	...	...	Total of Khata			19-21	12-15-0	..	61
56 + 57	34	1	3-36	3-9-0	...	...	56+57 on consent	33	...	Part towards East	8-24	3-15-0	...	62b
	34	2	12-81		...	...	56+57 On consent	34	...	2				
										Part towards East				
								35	...	2	9-33	7-12-0	...	...
Total			16-27	11-0-0	...	...	...	Total			25-20	15-13-0	...	62

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
28	52	...	2-30	3-0-0			28	Khatha closed					On consent basis	

- (a) On consent no valuation is made. Cash compensation of Rs. 1000 (Rs. One thousand only) is to be paid after recovering the same from K. Nos. 56+57 as per their agreement statement.
- (b) On consent no valuation is made. Cash compensation of Rs. 1000 (One thousand only) is to be recovered and paid to Khata No. 26 as per agreement statement.
- (c) On consent basis.

[No. RD 68 TCO 64.]

By Order and in the name of the Governor of Mysore,

M. K. MADAPPA,
Under Secretary to Government, R.D.

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated 1st September 1967.

S. O.1713.—In exercise of the powers conferred by Section 20 of the Indian Forest Act, 1927 (Central Act XVI of 1927), as in force in the Bombay Area, the Government of Mysore with reference to Government Notification No. AFD 137 FAF 64, dated 18/20th August 1965 hereby declare the lands in the Supa Taluk of North Kanara District, specified in the Schedule 'A' below, to be reserved forest with effect from 15th September 1967, subject to exercise of rights specified in schedule 'B' below.

SCHEDULE 'A'

<i>Village</i>	<i>Survey No.</i>	<i>Area</i> A G. Ans.	<i>Boundaries.</i>
Yarmukh	181-B	1—0—0	North: S. No. 181. A East: F. S. No. 178 South: S. No. 178 West: B. S. No. 180

Remarks.—Declared as Reserve Forest

SCHEDULE 'B'

The villagers are permitted to use water from the nalla passing through this S. No.

[No. AFD 12 FAF 67.]

By Order and in the name of the Governor of Mysore,

1001

M. W. WINSTON, *Under Secy.*

PLANNING, HEALTH AND SOCIAL WELFARE DEPARTMENT.**NOTIFICATION.**

Bangalore, dated 1st September 1967.

S.O.1714.—Whereas the term of Office of the three members of the State Council nominated by the Government of Mysore, in Notification No. PLM 17 MDR 57, dated the 1st June, 1961 has expired.

Now, therefore, in exercise of the powers conferred by clause (e) of Section 21 of the Dentists Act, 1948, (Central Act 16 of 1948), the Government of Mysore hereby nominates the following three members to the State Council, namely :—

- (1) Dr. Sangameswar Sardar, Raichur.
- (2) Dr. K. D. Machiah, Mercara.
- (3) Dr. H. Ramananda Hegde, Bangalore.

[No. PHS 64 MDB 66.]

By Order and in the name of the Governor of Mysore.

1002

M. K. VENKATESHAN, Secretary.

EDUCATION SECRETARIAT.

CORRIGENDUM

Bangalore, dated 28th August 1967.

Sub.—" Smt. Ramakka Pendakur, Inter High School Debate on Current Affairs Fund " at Ramanagar Hagaribommanahalli, Bellary District.

S.O.1715.—In Government Notification No. ED 2 CEN 65, dated 31st May 1967 published in the *Mysore Gazette* dated 15th June 1967 in Part IV, Section 2-C (ii) at pages 2487-2489, for the words " Sri S. V. Pendakur " wherever they have occurred, the words " Sri V. S. Pendakur " should be substituted.

[No. ED 2 CEN 65.]

By Order and in the name of the Governor of Mysore,

986

T. R. JAYARAMAN, *Secretary.*

NOTIFICATION.

Bangalore, dated 1st September 1967.

S. O.1716.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to grant temporary affiliation of the Sri Bhuvanendra College, Karkal to the Mysore University for teaching ;

(i) Pre-University:—History, Economics, Logic
History, Economics, Political Science.

(ii) B. A. Degree (First year):—History, Economics (Majors)
Political Science (Minor)

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 34 UAC 67.]

By Order and in the name of the Governor of Mysore,

1000

S. N. SREENATH, *Under Secretary.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 29th August 1967.

S. O. 1717.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Mangane ore to Messrs. Jayaram Minerals in the following areas of the Tiptur Taluk, Tumkur District, on the terms and conditions mentioned below —

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Karekurchi	9, 10, 16 and 17	117-6 Acres (47-87 Hectares).

(as delineated in the plan as furnished by the Department of Mines and Geology)

Terms and Conditions :—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government.

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and

Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government.

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired, and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage.

13. The area mentioned above is subject to verification after actual survey.

(No. CI 131 EPO 67.)

By Order and in the name of the Governor of Mysore,

987

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore dated 29th August 1967.

S.O. 1718.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, accorded under sub-section (2) of Section of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Kyanite to Messrs. Associated Business Corporation (India) in the following areas of the Holalkere Taluk, Chitradurga District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. No.</i>	<i>Area</i>
		180 Acres
Garaga Forest	1 (Part)	(72.84 Hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and conditions—

1. The licence shall be operative for a period of one year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other "substance prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage ;

13. The area mentioned above is subject to verification after actual survey.

[No. CI 60 EPO 67.]

By Order and in the name of the Governor of Mysore,

958

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 29th August 1967.

S.O. 1719.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Kyanite to Messrs Dada Limes and Minerals in the following area of the Sringeri Taluk, Chikmagalur District, on the terms and conditions mentioned below.—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Kelakoppa	263 and 154	80 Acres (32.27 Hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology.)

Terms and Conditions.—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government.

2. The licensee shall pay to Government a prospecting fee of Rs. 2 50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1967. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957).

6. If any other mineral is traced during the course of Prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government.

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the desposit is returned to him submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting Licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him deposit as Security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is

granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining Engineer to conduct the prospecting methodically ;

12. The licensee shall not give any ore-raising contract during the prospecting stage; and

13. The area mentioned above is subject to verification after actual survey.

[No. CI 133 EFO 67.]

By Order and in the name of the Governor of Mysore,

989

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION

Bangalore, dated 29th,—31st August 1967.

S. O. 1720.—In exercise of the powers conferred by Section 3 of the Mysore Industrial Areas Development Act, 1966 (Mysore Act No. 18 of 1966), the Government of Mysore hereby declares the area comprised in the forest survey numbers specified in column (2) of the Schedule below in the village of Ambewadi, Haliyal Taluk, Dandeli, North Kanara District, to be an industrial area for the purposes of the said Act and defines the limits of the said area as specified in the entries in column (4) thereof.

SCHEDULE

Name of Village (1)	Survey No. (2)	Extent A. G. (3)	Limits of the Area and remarks (4)
Ambewadi Haliyal Taluk	Forest Survey No 8 and 21	1,000-00	The area notified is as described by the Forest Department as V 25, V 26 and V 7 of the High... Forest blocks of Dandeli Division and is surrounded by the remaining forest area at Dandeli. Bounded on the North part of forest survey No 8 of Ambewadi Bounded on the East Village border : Badar Shingur. Bounded on the South Part of forest Survey No. 8 and Survey Nos. 17, 18 and part of Forest Survey No 21. Bounded on the West :— Bareli-Dandeli approach road & M. S. E. B. Grid station and excluding a plot of 30 acres which is earmarked for Industrial Training Institute.

[No. CI 55 GMI 67.]

By Order and in the name of the Governor of Mysore,
H. L. LINGARAJ URS, Deputy Secy.

NOTIFICATION.

Bangalore, dated 1st September 1967

S.O. 1721.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act the Government of Mysore are pleased to sanction the grant to Shri K. Gopala Raju of a Mining Lease for twenty years for Iron ore in respect of the area of 40 acres (16-19 hectares) of land in Block 4 H, N E B. Range Sandur Taluk, Bellary District. as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

- (a) Mining Lease should be in respect of Iron Ore only. If other minerals are found in association with Iron Ore they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Iron Ore he should do so only after the consent of Government is obtained in writing.
- (b) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 12-50 in respect of each mineral per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.
- (c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.
- (d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.
- (e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

- (f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.
- (g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.
- (h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.
- (i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.
- (j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.
- (k) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilometres.
- (l) Government shall have the right of purchasing the ore at current market rates.
- (m) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of lease deed.
- (n) The area mentioned above is subject to verification after actual survey.
- (o) The lessee shall submit a working plan for attaining an annual production of 20,000 tons of Ore and that in the event of his failure to keep up this target, the lease is liable to be determined.

(No. OI 126 EMO 67.)

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 30th August 1967.

S. O. 1722.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction, the grant to Messrs. Mysore Minerals, Ltd., of a Mining Lease for 20 years for Chromite in respect of the area of 46 acres (18.62 hectares) of land in Hullenahalli and Bairapura Villages, Channarayana Taluk, Hassan District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below:—

(a) Mining Lease should be in respect of Chromite only. If other minerals are found in association with Chromite they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Chromite he should do so only after the consent of Government is obtained in writing.

(b) Royalty at the rates prescribed in the Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 in respect of each mineral per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.

(c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948, is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease, in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(h) The lessee shall submit confidentially from time to time or when required, progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.

(i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(j) The lessee shall abide by the rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(k) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilometres.

(l) Government shall have the right of purchasing the Ore at current market rates.

(m) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.

(n) The area mentioned above is subject to verification after actual survey.

[No. CI 176 EMO 67.]

By Order and in the name of the Governor of Mysore,

1003

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 31st August 1967.

S. O.1723.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 58 EPI 67, dated 29th April 1967, sanctioning a Prospecting Licence for Limestone in respect of the area of 58 acres of land in S. Nos. 198 and 199 of Itagi and part of S. No. 22 of Tangod villages, Shirhatti Taluk, Dharwar District in favour of Shri Mirji Ghudnsab Ghoususab, as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 139 EPI 67.]

By Order and in the name of the Governor of Mysore,

1004

N. NARAYANASWAMY, *Under Secy.*

LAW AND PARLIAMENTARY SECRETARIAT

NOTIFICATION.

Bangalore, dated 1st September 1937.

S. O. 1724.—In exercise of the powers conferred by sub-section (1) of Section 51 of the Provincial Insolvency Act, 1920 (Central Act 5 of 1920) as extended by the Provincial Insolvency (Mysore Extension and Amendment) Act, 1962, the Government of Mysore hereby appoints Shri K. V. Hegade Kangod, M.A., LL.B., Advocate, Bangalore, Official Receiver, Bangalore District, for a period of two years, with immediate effect.

[No. LAW 23 LCL 67 (I).]

By Order and in the name of the Governor of Mysore.

NOTIFICATION.

Bangalore, dated 1st September 1967.

S.O. 1725.—In exercise of the powers conferred by sub-section (1) of Section 57 of the Provincial Insolvency Act, 1920 (Central Act 5 of 1920) as extended by the Provincial Insolvency (Mysore Extension and Amendment) Act, 1962, the Government of Mysore hereby specifies the period of appointment of Shri B. N. Subba Reddy, B.Sc., B.L., Advocate, Kolar, as Official Receiver, Kolar District, to be till the end of 31st August 1969.

[No. LAW 23 LOL 67 (II).]

By Order and in the name of the Governor of Mysore,

997

R. A. RAMASWAMY, *Under Secy.*

EDUCATION SECRETARIAT.

NOTIFICATION

Bangalore, dated the 31st August 1967.

S. O. 1726.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the P.E.S. College of Engineering, Mandya to the Mysore University to run the B.E. Degree, Five Year Integrated Course all the five years in Civil, Mechanical and Electrical branches in a ratio of 40: 40: 40 with an intake of 120 students to the first year for the year 1967-68 subject to the conditions laid down by the Local Inquiry Committee.

(No. ED 46 UAC 67.)

By Order and in the name of the Governor of Mysore,

999

S. N. SREENATH, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT
(LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Shivakumar Textiles, Subramanyapuram, Bangalore-4.

Award of the Labour Court, Bangalore—Published.

Read the following papers :—

(1) Letter No. 591/67-68, dated 19th August 1967, from
Sri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated this 19th day of August 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B., ... Presiding Officer.

Reference No. 24 of 1967.

Workmen represented by the Secretary, Bangalore District Textile
Workers' Union, A-10, Aroor Srinivasachar Street, Bangalore-2.

... I Party.

Vs.

The Management of Shivakumar Textiles, Subramanyapuram,
Bangalore-4. ... II Party.

Reference.

Government Order No. LMA 294 LLD 66, dated 21st February
1967.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s. Shivakumar Textiles, Bangalore have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 291 LLD 66, dated 21st February 1967, setting out the following points of dispute for adjudication:—

“Is the Management of Shivakumar Textiles, Subramanyapuram, Bangalore-4 justified in terminating the services of Shri G. Thimmaiah from 19th January 1966, on the plea that he was Probationer engaged for specific duration of time? If not, to what relief, this worker is entitled to?”

2. The cause of the aggrieved workman has been sponsored by the Bangalore District Textile Workers Union, which is a Registered Trade Union. This Union was representing the workmen is the first party and the Management of Shivakumar Textiles is the second party in this proceeding. Sri S. Suryanarayana Rao has appeared on behalf of the Union and Sri B. R. Puttananjappa, has appeared on behalf of the Management.

3. In response to the notice issued by this court, the first party has put in its statement of claims dated 3rd April 1967 and the second party has put in its statement of objections dated 22nd April 1967.

4. During the course of the proceedings on 13th July 1967 Sri B. R. Puttananjappa, learned representative of the Management submitted that the Management was willing to take back the aggrieved workman on duty and Mr. Suryanarayana Rao, for the 1st Party submitted that the workman was willing to join duty. On 18th July 1967 Sri Suryanarayana Rao submitted a memo stating that the workman has been taken back in service with effect from 14th July 1967 and so only the issue of backwages may be decided. However on 14th August 1967 when M.W. 1 was being examined, the matter was settled out of court between the parties and they filed a joint memorandum of settlement, marked A and prayed for an Award in terms thereof. As per the settlement the management has agreed to pay half back wages to the aggrieved workman from the date of his termination i.e., 7th January 1966 to the date of his reinstatement i.e., 14th July 1967. The terms of settlement are quite fair and reasonable and I accept them.

8. In the result I proceed to pass an award as under:—

AWARD.

Reference is accepted. Award is made between the parties in terms of the memorandum of settlement, Ex. A, which should be annexed to this Award and be deemed as forming part thereof.

P. T. Kadkol,
Presiding Officer,
Labour Court, Bangalore.

ANNEXURE

BEFORE THE HON'BLE LABOUR COURT, BANGALORE.

Reference No. 24 of 1967.

Workmen of Shivakumar Textiles

I Party

Vs.

Management of Shivakumar Textiles.

... II Party

Memorandum of Settlement.

The above named parties submit that they have settled the dispute under the following terms.

1. The workman Sri G. Thimmaiah has been reinstated on 14th July 1967.
2. Regarding the claim of Sri G. Thimmaiah for back-wages, it is agreed that the Second party should pay him fifty per cent of his wages and dearness allowance from the date of his termination (7th January 1966) to the date of his reinstatement (14th July 1967). It is agreed that this amount should be paid to Sri Thimmaiah before 14th September 1967.

8. It is agreed that each party should bear its costs.

Dated at Bangalore the 14th day of August 1967.

Filed, Recorded and Marked Ex. A

Intd. P. T. K. 14/8. For the I Party,

S. Suryanarayana Rao,
14-8 1967

For the II Party.
B. R. Puttananjappa,
Representative.

ORDER

Bangalore, dated 28th August 1967.

S.O. 1727.—WHEREAS by State Government Order No. LMA 294 LLD 66, dated 21st February 1967, the Industrial Dispute between the Workmen and the Management of Shivakumar Textiles, Subramanyapuram, Bangalore-4, was referred to the Labour Court, Bangalore, for adjudication ;

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said Award as above in the *Mysore Gazette*.

[No. LMA 294 LLD 66.]

By Order and in the name of the Governor of Mysore,

1012

G. G. PUROHIT, *Under Secretary* .

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 1st September 1967.

S. O. 1728.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 10 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959 (Mysore Act No. 5 of 1960), the Government of Mysore hereby appoint for the cocoon market specified in column (1) of the schedule below, a Market Officer mentioned in the corresponding entry in column (2) for the performance of the functions specified in Rule (17) of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Rules, 1960 with effect from the date of taking charge.

SCHEDULE

Name of the Cocoon Market	Name of the Market Officer.
(1)	(2)
Odayarpalyam	Chikkarasaleh, Sericultural Demonstrator.

[No. OI 124 BET 67.]

By Order and in the name of the Governor of Mysore.

NOTIFICATION.

Bangalore, dated 1st September 1967.

S. O. 1729.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 35 EPI 67, dated 5/8th May 1967 sanctioning a Prospecting Licence for Manganese and Iron Ore in respect of the area of 220 acres of land in part of F. S. No. 39 of Kunang Village, Supa Taluk, North Kanara District in favour of Sri Sindgi Siddabasappa, as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 138 EPI 67.]

By Order and in the name of the Governor of Mysore,

1021

N. NARAYANASWAMY, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

NOTIFICATION.

Bangalore, dated the 2nd September 1967.

S. O. 1730.—In exercise of the powers conferred by Sections 7 and 9 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) read with Clause (3) of Rule 4 of the Mysore Minimum Wages Rules, 1958 and in partial modification of Notification No. PLM 3 LMW 62, dated 4th July, 1963 read with notification No. LMA 3 LMW 62, dated 7th April, 1965, the Government of Mysore hereby nominates Shri R. Anandakrishna, Secretary to Government, Food, Civil Supplies and Labour Department to be a member of Mysore State Minimum Wages Advisory Board *vice* Shri N. S. Ramachandra.

Shri R. Anandakrishna, Secretary to Government, Food, Civil Supplies and Labour Department is also appointed as Chairman of the Board.

[No. FCL 61 LMW 67].

By Order and in the name of the Governor of Mysore,

1019

G. G. PUROHIT, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION

Bangalore, dated 25th August 1967.

S. O. 1731.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Corundum to Messrs. Metro Mining Company in the following areas of the Heggadadevanakote Taluk, Mysore District, on the terms and conditions mentioned below:—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Antharasanthe (Metakuppa State Forest)	68 & 69 (Parts)	100 acres (40.47 Hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions.

1. The licence shall be operative for a period of One year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a Prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957 and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other "substance prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the Licence if the Licensee so desired and to recover the cost of the same from the Licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically;

12. The licensee shall not give any ore-raising contract during the prospecting stage; and

13. The area mentioned above is subject to verification after actual survey; and

[No. CI 163 EPO 67.]

By Order and in the name of the Governor of Mysore,

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the workmen and the management of Faiz Beedi Factory, Ranebennur.

Award of the Labour Court, Hubli Published.

Read the following Papers :—

1. Letter No. 1247/67-68 dated 25th August 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli,

IN THE LABOUR COURT AT HUBLI.

Dated 25th August, 1967.

Reference (ID) (LCH) No. 46 of 1967.

Present :

Sri Syed Azizuddin Ahmed, M.A., B.L.,

Between :

Sri Mohammed Hussainsab Jamalsab Halageri, Major,
resident of Ranebennur Town, Goudar Oni, For—Ranebennur.

... *First Party.*

and

The Management of Faiz Beedi Factory, Ranebennur.

... *Second Party.*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their order No. LMA 355 LLD 67, dated 15th June 1967. The points of dispute referred for adjudication are as under :

1. Are the Management of Faiz Beedi Factory, Ranebennur justified in terminating the services of

Sri Mohammed Hussinsab Jamalsab with effect from 29th October 1965 ?

2. If not, is the worker entitled for reinstatement with back wages or to any other relief ?

2 The aggrieved workman Sri Mohammed Hussainsab Jamalsab Halageri has raised this industrial dispute. In response to the notices issued by this Court, the aggrieved workman filed his claim statement dated 3rd July 1967 and the II Party its counter statement dated 14th July 1967. The sum and substance of the claim statement is that he was an employee in the Faiz Beedi Factory since 1955. He was forced to leave the job from 5th November 1966 as the management did not provide him any work. His services were not validly terminated according to law. As he has served the II Party management for more than 12 years he is entitled to receive Rs. 12,000 as compensation in case they are not willing to take him back in service.

3. Sri V. N. Apte, Legal Remembrancer and Public Relations Officer of the Employers Association of India, Hubli appeared for the management. The case of the management is that the workman has left the service of the II Party of his own accord. He is not entitled for reinstatement with back wages or any other relief. It took up a further plea that the establishment of the II Party has been registered under the Mysore Shop and Commercial Establishments Act and as such, the Industrial Disputes Act is not applicable to it. The points of dispute specified in the order of reference was adopted as issue in the case. The II Party examined Haider Alikhan, M. W. 1 partner of the II Party the witness deposed that the aggrieved workman was working as Accounts Clerk. He took his salary on 25th October 1965 and went away. Earlier he had asked the management to increase his salary. This was not conceded. Thereupon he had stated that he would not serve the management any more and that the management may engage some-one else. It was not correct to say that the management had terminated the service of the aggrieved workman. The witness referred to Exs. M-1 to M-7.

4. In rebuttal, Mohammed Hussainsab, the aggrieved workman stepped into the witness box. During the course of his cross-examination he deposed that the management had verbally told him that they had removed him from service and that he should go away. He admitted that he used to

ask the management to increase his pay. The management had replied that they would see to it. He admitted his application Ex. M-1 to the Labour Inspector, Haveri. Ex. M-3 is his lawyer's notice, M-5, balance-sheet is in his hand-writing and Ex. M-6 was given by him to the Assistant Labour Commissioner.

FINDINGS

5. The point for decision is simple one. The question is whether the management had terminated the service of the aggrieved workman or whether he had voluntarily given up the services of the management. The witnesses may lie but the documents cannot. I have before me Ex. M-1, an application made by the aggrieved workman to the Labour Inspector, Haveri. In his application he admits in clear terms that he had left the job of the II Party when they had not agreed to increase his wages. I shall reproduce an excerpt from Ex. M-1. It reads thus :

“ನದರ ಕಾರಖಾನೆಯವರು ನನಗೆ ಈಗಿನ ತುಟ್ಟ ಕಠಿಣ ಕಾಲದಲ್ಲಿ ಆಹಾರ ಧಾನ್ಯ ಬಹಳ ಭಯಂಕರ ಯೇರಿದ್ದು ಆ ಪ್ರಕಾರ ನನಗೆ ಪಗಾರ ಸ್ವಲ್ಪ ಹೆಚ್ಚು ಮಾಡಬೇಕಂತಾ ಕಾರಖಾನೆಯ ಮಾಲೀಕರಿಗೆ ವಿನಂತಿ ಮಾಡಿಕೊಂಡರೂ ಸಹ ದಾದು ಮಾಡಿದ್ದರಿಂದ ನನ್ 1965 ನೇ ನವಂಬರ್ 5ನೇ ತಾರೀಖಿಗೆ ನಾನು ಕಾರಖಾನೆ ಬಿಟ್ಟೆನು. ಅವರು ಈ ವರೆಗೂ ಪಗಾರ ಹೆಚ್ಚು ಮಾಡುತ್ತೇವೆ ಅಂತಾ ಮತ್ತು ಕೆಲ್ಸಕ್ಕೆ ಹಾಜರು ಆಗಬೇಕಂತಾ ತಿಳಿಸಲಿಲ್ಲ. ಆ ಕಾರಣ ನಾನು ಸಹ ಕೆಲಸಕ್ಕೆ ನದರ ತಾರೀಖಿನಿಂದಾ ಈ ವರೆಗೂ ಹಾಜರ ಆಗಲಿಲ್ಲ. ಅವರು ನಾನು ಕೇವಲ ಪಗಾರ ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ಹೆಚ್ಚಿಸಿರಿ ಅಂತಾ ಕೇಳಿದ್ದಕ್ಕೆ ನನ್ನ ಮಾಗಣೆ ಧಿಕಾರ ಮಾಡಿ ನನಗೆ ಕೆಲ್ಸಕ್ಕೆ ಕರಿಯುವ ಮನಸ್ಸು ಅಜೀಬಾತ ಇಲ್ಲದ್ದರಿಂದ ಅವರ ಕಾರಖಾನೆಯಲ್ಲಿ ನನಗೆ ದುಡಿಯುವ ಮನಸ್ಸಿಲ್ಲ.”

His sworn statement in the Court is a bundle of lies. From the material on record it is found that after he had voluntarily left the services of the company he realised his folly. Now he wants to make out the case that the management had terminated his services. It stands to reason that when the management had not conceded to his request to increase his salary, he left the job by himself. There is no substance in the stand that because the establishment is governed by the Shops and Commercial Establishment Act it is not covered by the Industrial Disputes Act, 1947. On the basis of the oral and documentary evidence, the issue is decided in favour of the management.

AWARD

Sri Mohammed Hussainsab Jamalsab Halageri having voluntarily left the service of the II Party management, is not entitled for reinstatement with back wages or to any other relief. No order as to costs.

Place.—Hubli

Dated.—25-8-1967

SYED AZIZUDDIN AHMED,
Presiding Officer, Labour Court, Hubli.

ANNEXURE

Reference (ID) (LCH) No. 46/67.

Witnesses examined for I Party

W.W.-1 Mohammed Hussainsab Jamalsab

Witnesses examined for II Party

M.W.-1 Hyder Alikhan, Abdul Jabbarkhan Irani

Documents examined for I Party

Nil

Documents examined for II Party

Exhibits :

- M-1 Certified copy of application of W.W. 1 to the Labour Inspector, Haveri dated 25th January 1966
- M-2 Copy of objection to the above by II Party, dated 18th March 1966
- M-3 Notice of advocate on behalf of I Party to II Party dated 8th March 1966
- M-4 Copy of reply dated 17th March 1966 by II Party to Ex. M-3
- M-5 Balance sheet for the year 1963-64
- M-6 Copy of application dated nil of the I Party to Assistant Labour Commissioner
- M-7 Khata and Kirds of the II Party for 1963-64 and 1964-65 maintained by I Party
- M-8 Copy of application dated 18th August 1966 from II Party to the A. L. C., Hubli

SYED AZIZUDDIN AHMED,

Presiding Officer,

Labour Court, Hubli.

Place : Hubli

Dated : 25-8-1967.

ORDER.

Bangalore, dated 31st August 1967.

S. O.1732.—WHEREAS by State Government Order No. LMA 355 LLD 67 dated 15th June 1967, the Industrial Dispute between the workmen and the Management of Kaiz Beedi Factory, Ranebennur was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 355 LLD 67.]

By Order and in the name of the Governor of Mysore,

1006

G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. A. J. Saldhana and Sons, Bolor Coffee Works, Mangalore.

Award of the Labour Court, Bangalore—Published.

Read the following papers :—

(1) Letter No. 512/67-68, dated 6th August 1967, from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated this 1st day of August 1967.

Present

Shri P. T. Kadkol, B.Sc., LLB.

... Presiding Officer.

Reference No. 100 of 1966.

Workmen represented by the Secretary, S. K. Cashew and Coffee Workers' Union, Maidan Cross Road, Mangalore. ... *I Party.*

Vs.

The Management of M/s. A. J. Saldhana and Sons, Bolor Coffee Works, Mangalore. ... *II Party.*

Reference.

Government Order No. LMA 290 LLD 66, dated 6th August 1966.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the Workmen and the Management of M/s. A. J. Saldhana and Sons, Bolor Coffee Works, Mangalore

have referred it to this court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 290 LLD 66, dated 6th August 1966, setting out the following points of dispute for adjudication :—

“ I. Are the workers of M/s. A. J. Saldhana Bolor Coffee Works, Mangalore, justified in demanding Rs. 1.12 per ticket (slip) for coffee garbling.

II. If not, to what other quantum of wages (garbling rate per ticket) are the workers entitled? ”

2. The cause of the aggrieved workmen has been sponsored by the South Kanara Cashew and Coffee Workers Union, which is a registered Trade Union. This Union, as representing the workmen, is the First Party and the Management of M/s. A. J. Saldhana and Sons, Mangalore is the Second Party.

3. The Union has submitted its statement of claims dated 22nd August 1966 to which, the Management has submitted its statement of objections dated 24th September 1966. Two preliminary jurisdictional issues were framed on 28th December 1966 and the case adjourned for evidence on them.

4. Meanwhile, the Union sent the memo dated 4th May 1967 to this Court, by post, stating that the dispute had been settled out of court as mentioned therein. This memo is marked Ex. A. As it was not signed by the Management, notice was issued to it to say, whether the dispute had been settled as represented by the Union. A reply dated 3rd July 1967 was received from the Management stating that it had no objection for an Award being made as per terms mentioned in Ex. A. The reply of the Management is marked Ex. B.

5. When the case was called out in Mangalore Camp on 28th July 1967, Mr. Telicherikar appearing for the Union and Mr. K. Shashidhar Rao appearing for the management admitted that the dispute had been settled as per terms set out in Ex. A. and asked me to make an award, in terms thereof. The settlement

appears to be reasonable and I accept it. Hence I make an Award as below:—

AWARD.

Reference is accepted. Award is made between the parties as per the settlement set out in Ex. A, which should be annexed to this Award and be deemed as forming part of it. A copy of Ex. B. also be annexed to the Award. Parties do bear their own costs,

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

" Copy

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE LABOUR COURT AT BANGALORE.

Reference No. 100/66.

Between :

The Workmen of A. J. Saldhana Bloor Coffee Works, Bloor,
Mangalore. *I Party.*

and

The Management of A. J. Saldhana, Bloor Coffee Works,
Bloor, Mangalore. *II Party.*

The I Party named above states as follows :—

1. That the dispute regarding the increase in wages has been referred to this court and the award is pending.

2. That the I Party workmen, in the interest of maintaining industrial peace, have dropped their demand and as such the demand for increase in wages pursuing their claim for Rs. 1.12 per slip is not pressed as withdrawn and the workers have accepted the wage increase as agreed to by the section of workers of II Party at an increase of 10 paise per slip for the year 1966 and further increase at 5 (five) paise for the year ending December 1967.

3. The workers having felt that the increase as reasonable are requesting this court to pass an award accordingly.

Mangalore
4-5-1967.

(Sd.) Tellicherikar,
I Party

Read to day put up with file
tomorrow Intd. P. T. K. 8/5.
Send notice to the II Party
to say by 25/5.

Intd. P. T. K. 9/5
Filed, Recorded and
Marked Ex. A.

Intd. P. T. K. 28/7.

“ Copy ”

P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE LABOUR COURT, BANGALORE.

Ref : No. 100/66.

Between :

The Workmen of A. J. Saldanha, }
 Boloor Coffee Works, Boloor, }
 Mangalore, }

... *I Party.**and*

The Management of A. J. Saldanha, }
 Boloor Coffee works, Boloor, }
 Mangalore, }

... *II Party*

The Management named above states as follows.—

1. That the Management has received Notice No. 407/67-68 dated 28th June 1967 from this court as to whether the Management has any thing to say why an award as per terms mentioned in the first Party memo should not be passed on or before 17th day of July 1967.

2. That it is submitted that the Management has no objection to pass an award in terms of the memo submitted by the I Party Union.

Prays accordingly.

Mangalore.

3-7-1967

Seen

(Sd.)

II Party

The Management of

A. J. Saldanha and Sons,
 Boloor Coffee Works,
 Mangalore.

Intd. P. T. K. 12/7

Put up with file tomorrow 17/7

Filed, marked and Recorded

Ex. B. Intd. P. T. K. 28/7.

" Copy "

P. T KAKKOL

*Presiding Officer,
 Labour Court, Bangalore.*

ORDER.

Bangalore, dated the 19th August 1967.

S. O. 1733.—WHEREAS by State Government Order No. LMA 290 LLD 66, dated 6th August 1966, the Industrial Dispute between the Workmen and the Management of M/s. A. J. Saldhana and Sons, Boloor Coffee Works, Mangalore, was referred to the Labour Court, Bangalore for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No LMA 290 LLD 66 .]

By Order and in the name of the Governor of Mysore,

GOVERNMENT OF MYSORE

**FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT
(LABOUR)**

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Kollegal Industries Ltd., 7/490, Southern Extension, Kollegal, Mysore District.

Award of the Labour Court, Bangalore—Published.

Read the following papers —

(1) Letter No. 507/67-68, dated 1st August 1967, from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

**BEFORE THE PRESIDING OFFICER, LABOUR
COURT, BANGALORE.**

Dated this 1st day of August 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B. ... Presiding Officer.

Reference No. 19 of 1966

Workmen represented by the Secretary, Mysore District General Trade Union, Old Post Office Road, Chamarajnagar.

I Party.

Vs.

The Management of M/s. Kollegal Industries Ltd., 7/490, Southern Extension, Kollegal, Mysore District.

II Party

Reference

Government Order No. LMA 648 LLD 65, dated 25th February 1966

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s. Kollegal Industries Ltd., Kollegal, have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial

Disputes Act, 1947, by their Order No LMA 648 LLD 65, dated 25th February 1966, setting out the following points of dispute for adjudication :—

1. "Are the workers, Sriyuths Mallu, Puttamada, Madasetty and Linga of Kollegal Industries Ltd., 7/490, Southern Extension, Kollegal, entitled for reinstatement with back wages and continuity of service? If not to what other relief they are entitled?"

2. The cause of the aggrieved workmen has been sponsored by the Mysore District General Trade Union, Chamarajnagar, which is a registered Trade Union. This Union as representing the workmen is the first party and the Management of M/s. Kollegal Industries Ltd., is the second party in this proceeding. Mr. S. R. Sastry has represented the first party and Mr. B. R. Puttananjappa has appeared for the second party.

3. In response to the notice issued by the court the first party has put in its statement of claims dated 13th April 1966 and the second party has put in its statement of objections dated 27th April 1966. By another application dated 18th January 1967 the second party has raised an additional contention to the effect that the referred dispute is not an industrial dispute.

4. On 18th July 1967 when the case came on for hearing, the representatives of both parties appeared and filed a joint memorandum of settlement, marked Ex. A and prayed for an Award being passed in terms thereof. In view of the settlement reached between the parties nothing further needs be done. In the result I proceed to pass an Award as under :—

AWARD

Reference is accepted. Award is made between the Parties in terms of the memorandum of settlement, Ex. A., which should be annexed to this Award and be deemed as forming part thereof. Parties do bear their own costs.

Sd/ P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HONOURABLE LABOUR COURT,
BANGALORE.

Reference No. 19 of 1966.

Workmen of Kollegal Industries Ltd., (Mallu, Puttamada,
Mada Setty and Linga) ... *I Party*

Vs.

Management of Kollegal Industries Ltd., ... *II Party*

Memo filed by the parties.

1. The Parties abovenamed beg to state that they have settled the dispute under the following terms :

(1) It is agreed that the II Party Management should pay each of the claimants Sri Mallu, Sri Puttamada, Sri Mada Setty and Sri Linga the sum of Rs. 50 (Rupees fifty) each in full and final satisfaction of all claims of each of them. It is agreed that this settlement is without prejudice to the contentions of the parties as to whether the above four persons were employees of the II Party. It is further agreed that the above amounts should be paid by the II Party within one month from this date.

(2) It is agreed that the above four claimants and the I Party do not press the claim of any of those four claimants for reinstatement.

(3) It is agreed that each party should bear its costs.

2. Both parties pray that the Hon'ble Court be pleased to pass an Award on the above terms.

Dated at Bangalore this 18th day of July 1967.

Filed, Recorded and Marked Ex. A.

For the I Party
Sd. S. R. Sastry.
18-7-1967.

Intd. P. T. K., 18/7
For the II Party
Sd. B. R. Putananappa,
Representative.

" Copy "

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 26th August 1967.

S. O. 1734.—WHEREAS by State Government Order No. LMA 648 LLD 65 dated 25th February 1966 the Industrial Dispute between the Workmen and the Management of M/s. Kollegal Industries Ltd., 7 490, Southern Extension, Kollegal, Mysore District was referred to the Labour Court, Bangalore for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. LMA 648 LLD 65.]

By Order and in the name of the Governor of Mysore,

1014

G. G. PUROHIT, *Under Secy*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated 9th August 1966.

S. O. 1735.—WHEREAS by State Government Order No. LMA 290 LLD 66, dated 6th August 1966, the Industrial Dispute between the Workmen and the Management of M/s. A. J. Saldhana and Sons, Baloor Coffee Works, Mangalore-3 was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS before the said Labour Court, Bangalore a complaint was made under Section 33A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), alleging to increase the garbling rates

AND WHEREAS the said Labour Court, Bangalore, adjudicated upon the said complaint and submitted its Complaint award to the State Government as required under Section 15 read with Section 33A of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 290 LLD 66.]

By Order and in the name of the Governor of Mysore

1010

G. G. PUROHIT, *Under Secy.*

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated this 1st day of August 1967.

Present :

Sri. P. T. Kadkol, B.Sc., LL.B.,

Presiding Officer.

Complaint No. 4 of 1966.

in

Reference No. 100 of 1966.

(Reference ; Government Order No. LMA 290 LLD 66,
Dated 6th August 1966).

The Workmen of M/S A. J. Saldhana and Sons, Bolloor
Coffee Works, Mangalore-3, represented by the Secretary,
S. K. Cashew and Coffee Works' Union, Maidan Cross Road,
Mangalore-1. *Complainants.*

Vs

The Management of M/S A. J. Saldanha and Sons, Bolloor
Coffee Works, Mangalore-3. *II Party*

AWARD

1. This Complaint under Section 33A of the Industrial Disputes Act, 1947, has been filed by the Secretary of the South Kanara Cashew and Coffee Workers' Union, Mangalore, on behalf of the workers employed in the Establishment of M/S A. J. Saldhana and Sons, Mangalore, which is the opposite party, complaining that the Management of the Opposite Party had declared a lock-out of their establishment with effect from 1st September 1966, during the pendency of an Industrial Dispute before this Court, and asking this Court, to pass suitable orders. The Complaint has been filed on 1st September 1966.

2. The opposite party has submitted its statement of objections dated 11th March 1967.

3. When the case came up before this court at Mangalore Camp on 28th July 1967, Mr. Telicherikar, appearing for the Union, submitted the Memo marked Ex. A. stating that since the main Industrial Dispute pending in this Court had been settled,

the Union seeks to withdraw from this Complaint. Mr. Shashidhar Rao, appearing for the Management submitted that he had no objection for the Union withdrawing from the Complaint.

4. The main Industrial Dispute between the parties is I.D. No. 100 of 1966 on the file of this Court. It has been settled out of Court. Hence it is but proper for the Union to withdraw from this Complaint. I would, therefore, make an Award as below :-

AWARD

The Complaint is allowed to be withdrawn as per request made in the memorandum Ex. A, which should be annexed to this Award and be deemed as forming part of it. Parties do bear their own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

‘COPY’

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HON'BLE LABOUR COURT AT BANGA-
LORE.

In Complaint No. 4/66
In Reference No. 100/66.

Between :

The Workmen of Bolor Coffee Works, Mangalore-1
represented by the Secretary, S. K. C. & C.
Workers Union, Mangalore. ... I Party

and

The Management of M/s. Bolor Coffee Works,
Mangalore. II Party

May it please your Honour,

That in the above complaint the I Party beg to submit, that,
as the main dispute in question has been settled, and as such the
complaint above referred is not pressed, and withdrawn herewith.

Pray for orders accordingly.

Dated at Mangalore this the 28th day of July 1967.
No objection.

(Sd) K. Shashidhar Rao
For II Party.
28-7-

(Sd) Tallicherikar
For I Party.

Filed & Marked Ex. A.
Intd. P. T. K
28-7-

"Copy"

P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.
1-8-1967

LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated the 8th September 1967.

S. O. 1736.--In exercise of the powers conferred by sub-section (2) of Section 1 of the Arsikere Town Municipality (Extension of Limits) Act, 1967 (Mysore Act 12 of 1967), the Government of Mysore hereby appoints *15th September 1967* as the date on which the provisions of the said Act shall come into force.

[No. PLM 10 TBL 63]

By Order and in the name of the Governor of Mysore,

1022

N. S. RAMACHANDRA, *Secretary.*

DEVELOPMENT, HOUSING, PANCHAYATI RAJ AND
CO-OPERATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 6th September 1967.

S.O. 1737.—In exercise of the powers conferred by Rule 18 of the Mysore Agricultural Produce Markets Rules 1947, the Government of Mysore are pleased to extend the term of the 1st Agricultural Produce Market Committee, Tarikere, constituted under Government Order No. DPC 217 CMD 64, dated the 10th September 1964, for a further period from 24th September, 1967 to 31st December, 1967. (inclusive).

[No. DPC 272 CMD 67.]

By Order and in the name of the Governor of Mysore,

1026

S. V. PRABHU, *Under Secy.*

PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT
UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT
(LABOUR)

Labour Dispute.—Industrial Dispute between the workmen and the management of Jairamdas Udyog (P) Ltd., Bangalore.

Award of the Additional Industrial Tribunal, Bangalore, published.

Read the following papers :—

(i) Letter No. A.I.T. 483—4/67-68, dated 29th August 1967 from Shri V. C. Ramachandran, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL
IN MYSORE, BANGALORE

Dated 28th August 1967

Present

Sri V. C. Ramachandran, B.A., B.Sc., A.R.C.S., Bar-at-law,
Presiding Officer.

A.I.D. No. 3 of 1967

I Party :

The Workmen of Jairamdas Udyog (P) Ltd., Bangalore.
Vs.

II Party :

The Management of Jairamdas Udyog (P) Ltd., Bangalore.

Appearances

For the I Party : Sri M. C. Narasimhan, Advocate, Bangalore.

For the II Party : Sri B. Gopaliah, Advocate, Bangalore.

Reference

G.O. No. PLM 22 LLD 67, dated 3rd February 1967

AWARD

By G.O. No. PLM 22 LLD 67, dated 3rd February 1967, the Government of Mysore have referred an industrial dispute between the workmen and the management of Jairamdas Udyog (P) Limited, Bangalore-2 for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947. The dispute referred to this Tribunal by the Government is with regard to the termination of the services of four workmen and whether they are entitled to be reinstated with back wages and any other relief.

2. S. Abdul Khuddus was appointed as a clerk by the II Party with effect from 2nd January 1964. He was confirmed and given an increment and was in the scale of Rs. 168—8—224—9—251 on 28th July 1966. His services were terminated on 13th October 1966 on the allegation that he had not shown any improvement in his work and attendance in spite of warnings. The I Party contends that the termination of Abdul Khuddus is illegal and unjust and *malafide*, that no enquiry was conducted against him, that the allegations made against him are untrue and that termination was motivated by victimisation and ulterior reasons. With regard to other three workers, viz., Thammiah, Kothanda, Velayudha Mudaliar, their services were also abruptly terminated without proper enquiry and equally motivated by victimisation and for other extraneous reasons. The I Party prays that these workers may be reinstated with back wages and continuity of service.

3. The demands of the I Party were resisted by the Management. They repudiate all the allegations made in the claim statement. They contend that Khuddus was irregular

in attendance being absent for one reason or the other and so causing much inconvenience to the II Party hampering their work. In spite of several warnings issued, he did not show any improvement and the management had therefore no other alternative except to terminate his services under Rule 27(1) of the Certified Standing Orders. They offered to take him back on duty if he was prepared to give an assurance of regular attendance and good work and that offer was not accepted by him. So far as the other three workmen are concerned, the Management states that they were probationers, their services were terminated under Rule 28(3) of the Certified Standing Orders without any enquiry for their participation in an illegal strike on 2nd November 1966. The Management pray that the entire reference may be rejected.

4. The following Issues have been framed :—

(1) Whether S. A. Khudus was irregular in attendance and causing inconvenience to the II Party ?

(2) Whether warnings had been issued to him, the last of them on 6th October 1966 ?

(3) Whether the termination of the services of S. A. Khuddus was *bonafide* and in accordance with the Certified Standing Orders.

(4) Whether the failure to hold an enquiry is justifiable ?

(5) Whether the termination was due to victimisation and was it *malafide* ?

(6) Whether the termination of the services of G. Kotbandan, K. Thammiah and Velayudha Mudaliar is *bonafide* and in accordance with the Standing Orders of the Company ?

(7) Whether the termination of the above workers is *malafide* and an act of victimisation ?

(8) To what reliefs are the workmen of the I Party entitled ? ”

5. It may be stated at the outset that no enquiry has been conducted before the termination of the services of any of the four workmen. The reason given by the Management for not enquiring into the allegations against these workmen is that

they have chosen to proceed under Rule 27 of the Standing Orders by virtue of which, they are entitled to terminate the services of both permanent monthly rated employees as well as temporary or probationer employees without assigning any reason, but giving one month's notice in the former case and without any notice in the latter case. The Standing Order does provide for termination of employees without any enquiry, but the termination in all these four cases was meant as a punishment for misconduct alleged to have been committed by the workmen. The Order terminating their services points out that the termination was as a result of the misconduct committed by the workmen. The letter, Ext. W—10 addressed to S. Ablul Khuddus states that his services were dispensed with as he has not improved in his work and attendance in spite of oral warnings. The termination letters with regard to three other workmen show that it was because of their bad conduct and illegal activities. Hence it is clear that in all these four cases the termination of the Services of the workmen was meant to be a punishment for misconduct alleged to have been committed by them. If a workman committed any misconduct necessitating his termination of employment, the standing orders provided the procedure that have to be followed under Rule 35 which states that no order of suspension or dismissal from services shall be made except after holding an enquiry against the employee concerned in respect of misconduct alleged against him. He should be given a charge sheet stating the circumstances and a reasonable opportunity to furnish the explanation and cross examine any witnesses on whose evidence the charge rests and also to examine any witnesses in his defence. Nothing of this procedure contemplated under Rule 35 of the Standing Orders has been followed. No charge sheet has been given to the delinquent, no enquiry was held, and no opportunity was given to produce their witnesses. In these circumstances, the procedure followed by the Management in terminating the services of these four workmen is against the principles of natural justice and therefore, vitiated. There is no proof that these four workmen have committed any misconduct which entails their dismissal or termination of their services.

6. The learned Counsel for the Management sought to make a distinction between the dismissal of the workmen and their discharge and argued with considerable vehemence that if this is a question of mere termination of services under Rule 27

of the Standing Orders, no enquiry is contemplated and in as much as no stigma is attached to mere termination of services, it is the sweet will and pleasure of the Management to do away with the services of any of its employees. In my view, and it is supported by a number of authorities, that contention has absolutely no force. In industrial adjudication, it is the duty of the Tribunal to find out whether the management has exercised its powers in terminating the services of the workmen *bona-fide* or *ma'afide*. If the Standing Orders were invoked for the purpose of punishment, although it may be called termination of services, it is a colourable exercise of the powers under the Standing Orders. In the instant case, it is apparent that what was really done to these four workmen was not mere termination of services or what is known as Termination *Simplicitor*, but it was a punishment meted out to these four workmen because they indulged in certain alleged misconducts. It is not of great importance as to what words are used in terminating the services, but the Tribunal has to get back and see the motive for the action taken by the Management. In this case, the motive is not even hidden but openly stated in the termination notices that the termination was due to the alleged misconduct committed by the workmen. In other words, termination was punishment for the alleged misconduct. In those circumstances, it cannot be said to be termination *simplicitor* but the termination was a punishment for misconduct, which amounts to dismissal from service.

7. The evidence adduced in this case does not bring home the guilty of any of the four workmen. Abdul Khuddus had been warned about his irregular attendance on 6th October 1966 and in that letter (Ext. W-6) it is stated that if he persisted in irregular attendance, the Management would be constrained to dispense with the services and that he would not give room to such an occasion. Abdul Khuddus has not absented himself after 6th October 1966 and yet he was dismissed from service on 13th October 1966 on the ground that he failed to appreciate the leniency shown to him. In other words it is apparent that he committed no misconduct from 6th October 1966 to 13th October 1966 and termination of his services was for no reason whatsoever. During the evidence, however, it is stated that he has asked for two hours permission on the 13th October 1966 which seems to have annoyed the Secretary and straightaway was taken the action of terminating his services. That action

seems to me arbitrary, illegal and unwarranted. So far as the other 3 workmen are concerned, the allegation against them is that they have taken part in the illegal stay-in-strike staged on 28th October 1966 from 11-35 A.M. to 2-30 P.M. and did not do the normal work given to them and refused to do the duty in spite of verbal and written warning. No evidence is adduced even before his Tribunal about the participation in the illegal stay-in-strike nor any work having been given to them which they refused to do, nor about the verbal and written warnings alleged to have been administered to them. The only evidence on the side of the Management is that of the Secretary who does not speak about any of these matters. All that he states is that these 3 workmen took part in an illegal stay-in-strike on 28th October 1966 and as probationers, their conduct was not good and hence I discharged them under Ext. M. 1. The three workmen were examined and they deny having participated in the strike. Their contention is that they worked on that day and there was no complaint against them that they have refused to do any work and they were not aware of any strike. The learned Counsel for the Management pointed out that they remained within the Factory till 3-30 P.M. even though their shift closed at 2-30 P.M., but that circumstance does not prove that they have participated in the strike. It may be that they were afraid to go out due to hostile attitude of those who struck work or it may be because of any instructions which they received to remain there. All these matters should have been properly enquired into and an opportunity should have been given to the workmen to explain their conduct. Without doing so and on the belief of the Secretary that they have participated in the strike, it is open to the Secretary to immediately dispense with their services. The industrial adjudication does not contemplate with equanimity the right of the management to hire and fire their workmen. The industrial law seeks security of service to workmen employed in the industry and the right to fire the workmen is subject to strict superintendence by the Court which will allow it only if it conforms to certain principles and not arbitrarily guided by whims and fancies of particular individuals.

8. There are a number of authorities which have laid down the proposition that the management cannot invoke standing orders to arbitrarily terminate the services of their employees and that the termination under the Standing Orders must be *bona-fide* and it meant as a punishment, proper opportunities to be given to

the employees to defend the charges levelled against them. I wish to refer to a few of those decisions, which apply to the facts of the present case. 1960 I LLJ 587 is a decision of the Supreme Court of India in which the same question arose for consideration. The contract in that case as in the instant case gave the employer the power to terminate the service of his employee after a month's notice and according to the terms of that contract, the services of the employee were terminated. The validity of such termination was challenged in industrial adjudication. Their Lordships thus set out the law as follows :—

“ It would be competent to the industrial tribunal to enquire whether the impugned discharge has been effected in the *bona fide* exercise of the power conferred by the contract. If the discharge has been ordered by the employer in *bona fide* exercise of his power, then the industrial tribunal may not interfere with it ; but the words used in the order of discharge and the form which it may have taken are not conclusive in the matter and the industrial tribunal would be entitled to go behind the words and the form and decide whether the discharge is a discharge simpliciter or not. If it appears that the purported exercise of the power to terminate the services of the employee was in fact the result of the misconduct alleged against him, then the tribunal will be justified in dealing with the dispute on the basis that despite its appearance to the contrary the order of discharge is in effect an order of dismissal. The exercise of the power in question to be valid must always be *bona fide* ”.

Applying those principles in the instant case, there is no doubt whatsoever that the orders of termination disclose that their services were terminated as a result of the misconduct alleged against them. That misconduct has not been enquired into and proved after giving an opportunity to the employees. Hence the exercise of the power to terminate the services under the Standing Orders cannot be said to be *bona fide* and those orders are liable to be set aside.

In 1962 I LLJ 374 their Lordships of the Supreme Court observed :—

“ It is too late in the day for an employer to raise a claim to terminate the services of his employee at any time

by just giving a notice or paying wages in lieu of such notice, for it amounts to a claim "to hire and fire" an employee as the employer pleases, such claim completely negating security of service which has been secured to industrial employees through industrial adjudication for over a long period of time now. The requirement of *bona fides* is essential and if the termination of service is a colourable exercise of power or as a result of victimisation or unfair labour practice, the industrial tribunal would have the jurisdiction to intervene and set aside such termination".

The learned Counsel appearing for the Management relied upon the decision reported in 1967 II LLJ 718 where the Supreme Court held that where the Government had the right under the contract or the rule to terminate the service, the motive operating on the mind of the Government is wholly irrelevant. It possesses two powers to terminate the services of a temporary servant. It can either discharge him purporting to exercise its power under the terms of the contract or it can act under the powers to dismiss. It is open to the authority to drop further proceedings in the departmental enquiry and to make an order of discharge simpliciter against the temporary servant. In my view, that decision has no application in the industrial adjudication because that decision is based upon the Government Civil Service Rules. As pointed out in 1962 I LLJ, the considerations which are applied in the case of the Government Service are entirely different and the position of the Government servants stands entirely on different footings as compared to the industrial employees. The employer cannot now press his right purely on contract and say that under the contract he has unfettered right to hire and fire his employees. Such right is subject to industrial adjudication and even the power granted under the provisions of the Standing Order to terminate the services of the workmen without assigning any reasons or merely giving a notice or pay wages in lieu of such notice is now subject to industrial adjudication. The ratio decidendi in all these cases is that the conscience of the Industrial Tribunal must be satisfied that the exercise of the powers by the Management under the standing orders had been *bona fide* and not with a view to punish the workmen for the alleged misconduct not proved in accordance with the standing orders. In the instant case, applying those principles, the termination orders

cannot be said to be *bona fide* by the management and were meant to be punishment for alleged misconducts which have not been brought home to the workmen. In the result, I set aside the termination orders against the workmen. S. A. Khuddus is a permanent servant on a fixed salary and he is entitled to be reinstated with back wages and continuity of service. With regard to the other three workmen, they are no doubt stated to be probationers. Thammiah has finished his probation of six months on 28th October 1966 and he has been continued till 1st November 1966 when the Order terminating his services have been passed. After completion of the period of six months on 28th October 1966, he is entitled to be re-employed and in the case of other two workers, M. Velayutha Mudaliar and Kothandan, they were entitled to be confirmed on the expiry of the period of probation of six months if they show the trade efficiency and were found suitable. There is nothing in the evidence of the Management to say that they were unsuitable employees nor that they have shown any trade inefficiency. Hence in the usual course, they would have been permanent employees of the Company which had been wrongly interrupted by the termination orders passed by the Management. In those circumstances, they are also entitled to be reinstated with back wages and continuity of service.

9. My findings on the Issues for reasons stated above are as follows :—

1. Sri S. A. Khuddus was not proved to be irregular in attendance causing inconvenience to the II Party ;
2. A warning has been issued to him on 6th October 1966 but between that day and the day of the termination of his service, there was no irregularity in attendance on his part ;
The termination of the services of S. A. Khuddus is not *bona fide* and not in accordance with the Certified Standing Orders.
4. The failure to hold an enquiry is not justifiable.
5. The termination was *malafide*.
6. The termination of the services of Kothandan, K. Thammiah and Velayudha Mudaliar is not *bona fide* nor in accordance with the standing orders of the Company.
7. The termination of the above workers is *mala fide*.

10. In view of my findings, I pass the following award :—

A W A R D

The Order of termination of the services of S. A. Kuddus, G. Kothandan, K. Thammiah and Velayudha Mudaliar are set aside and they are ordered to be reinstated with back wages and continuity of service. The I Party is entitled to costs from the II Party which is fixed at Rs. 100.

V. C. RAMACHANDRAN.

28-8-1967.

*Presiding Officer,
Additional Industrial Tribunal,
Bangalore.*

O R D E R

Bangalore, dated the 2nd September 1967

S.O. 1740.—WHEREAS by State Government Order No. LMA 22 LLD 67, dated 3rd February 1967, the Industrial Dispute between the workmen and the management of Jairamdas Udyog (P) Ltd., Bangalore, was referred to the Industrial Tribunal, Bangalore for adjudication. The dispute was again transferred to the Additional Industrial Tribunal, Bangalore by G.O. No. LMA 595 LLE 66, dated 29th November 1967.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 22 LLD 67.]

By Order and in the name of the Governor of Mysore.

G. G. PUROHIT,
*Under Secretary to Government,
F.C.L. Department.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Indian Hume Pipe Ltd., Hubli.

Award of the Labour Court, Hubli—Published.
Read the following papers :—

(i) Letter No. 1245/67-68, dated 25th August 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 25th August 1967.

Reference.

(ID) (LCH) No. 24 of 1965.

Present

Shri Syed Azizuddin Ahmed M.A., B.L., ... *Presiding Officer*

Between :

The Workmen of Indian Hume Pipe Co., Ltd., Hubli represented by The General Secretary, The Indian Hume Pipe Co., Kamgar Union, Hubli ... *I Party*

and

The Management, Indian Hume Pipe Co., Ltd., Hubli ... *II Party*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No. PLM 8 LLD 64, dated 18th October 1965. The points of dispute referred for adjudication are as under :—

Whether the dismissal of Sri Lalappa Devendrappa from the services of Indian Hume Pipe Co. Ltd., Hubli as per their dismissal order dated 30th June 1962 is in order?

2. If not, to what relief the workers is entitled ?

2. The cause of the aggrieved workman Sri Lalappa Devendra-ppa has been sponsored and espoused by the Indian Hume Pipe Co., Kamgar Union, Hubli represented by its General Secretary. The aggrieved workman himself conducted the case on the date of hearing. Sri V. N. Apte, Advocate appeared for the II Party. In response to the notices issued by the Court, the I Party filed its claim Statement dated 1st December 1965 and the II Party its Counter Statement, dated 31st December 1965.

3. The case of the aggrieved workman is that he was working in the II Party management since 1946, bearing a very good record of service. The management charge-sheeted him and removed him from service. The charge-sheet was issued with a view to harass and victimise him. The appointment of Sri V. N. Apte, Advocate, Hubli as an enquiry officer to conduct the domestic enquiry against him was highly improper for the reason that the learned advocate had personal interest in the affairs of the management. The domestic enquiry assailed on diverse grounds, the target of attack being Sri V. N. Apte, Advocate.

4. The management, in their counter statement, maintained that in view of the fact that the manager of the factory was one of the main witnesses to the incident of misconduct of the workman, Sri V. N. Apte, Advocate was specifically appointed as the enquiry officer for conducting the enquiry in the matter. At the time of enquiry, all the principles of natural justice were observed by giving full opportunity to the aggrieved workman to cross-examine the witnesses and to adduce his evidence. Thus, the enquiry was properly held. The aggrieved workman examined himself and closed his evidence. The management examined two witnesses, they are Sri V. B. Patil the Manager and Sri V. N. Apte, Advocate.

Findings

5. The most important point for determination is whether the dismissal order dated 30th June 1962 is in order ? Sri V. B. Patil, M. W. 1, the factory manager deposed that in the months January and February, 1962, the production in the factory had gone down by 50 per cent. He asked the workmen about the low production.

They replied that the work was being done in his presence, thereby meaning that he has been watching their performance. On 28th March 1962, he attended the factory work at the moulding machine continuously from 8 A.M. to 5 P. M. While he was standing there, Sri Lalappa, who was working on 6' moulding machine deliberately dropped down 6' collar mould containing 10 wet collars, causing thereby breakage. He (M. W. 1) asked him why he was behaving in that manner. He replied that those things were bound to happen. He asked him to be careful lest the company should suffer loss. Thereupon, Sri Lalappa with red oven eyes told him "ಹೊಯಕೊಳ್ಳ ಬೇಡಾ" (do not bawl out). It is this word that has pained the manager. He has taken this to heart. Sri V. N. Apte, M. W. 2 had deposed about the proceedings of the domestic enquiry. Lalappa, W. W. 1, the aggrieved workman has denied that he had uttered the objectionable words with reference to Sri V. B. Patil. He attributed it to himself. Whatever it be, there seems to be much substance in the stand of the aggrieved workman that Sri V. N. Apte could not have been a proper enquiry officer. Sri V. N. Apte is a Legal Remembrancer and Public Relations Officer of the Employers Association, India, Hubli. He was appointed as the enquiry officer, he has conducted the enquiry for the management, he takes up the dispute of the management and fights it out even now and he appears in the witness-box and deposes against the person against whom he had held the domestic enquiry and given his findings. It is a fundamental principle of law that justice should not only be done but it should be made to appear that justice is being done. The apprehensions of the aggrieved workman were rightly felt and justly entertained about the appointment of Sri V. N. Apte as enquiry officer. I would like to make it clear that this is no disparagement of Sri V. N. Apte. He was not well advised in accepting this assignment. The domestic enquiry cannot inspire confidence. The order of dismissal, dated 30th June 1962 cannot be held to be in order. The point of dispute is decided in favour of the aggrieved workman. However, this does not mitigate the effect of his using the words "ಹೊಯಕೊಳ್ಳ ಬೇಡಾ"

4200

AWARD

The dismissal of Sri Lalappa Devendrappa from the service of Indian Hume Pipe Co., Ltd., Hubli as per the dismissal Order, dated 30th June 1962 is not in order. He is entitled for reinstatement but without back-wages and without continuity of service. No order as to costs.

SYED AZIZUDDIN AHMED,

*Presiding Officer,
Labour Court, Hubli*

Place : Hubli

Date : 25th August 1967.

ANNEXURE

Reference (I.D.) (LCH) No. 24/1965.

Witnesses examined for I Party

W.W. 1 Lalappa Devendraappa Kattimani

Witnesses examined for II Party

M.W. 1 Veeranna Bhadrachuda Patil

M.W. 2 Vasudev Narayan Apte

Documents marked for I Party

Nil

Documents marked for II Party

Exhibits:

- M-1 Charge-sheet issued by II Party to W.W. 1 dated 29th March 1962
- M-2 Copy of application in reply to the above by W.W. 1, dated 30th March 1962
- M-3 Letter dated 24th April 1962 from II Party to Sri V. N. Apte regarding holding of enquiry
- M-4 Copy of dismissal order dated 30th June 1962
- M-5 Copy of findings of Sri V. N. Apte against W.W. 1
- M-6 Copy of judgment of Application (LCH) No. 126 of 1962 on the file of Labour Court, Hubli
- M-7 Letter from II party to V. N. Apte regarding enquiry of W.W. 1 dated 14th May 1962
- M-7 (a) Endorsement of Sri V. N. Apte on Ex.M-7
- M-7 (b) Signature of W.W. 1 on Ex.M-7

Place: Hubli.

Dated: 25th August 1967.

SYED AZIZUDDIN AHMED.

*Presiding Officer,
Labour Court, Hubli.*

ORDER.

Bangalore, dated 31st August 1967.

S. O. 1741.—WHEREAS by State Government Order No. PLM 8 LLD 64, dated 18th October 1965, the Industrial Dispute between the Workmen and the Management of Indian Hume Pipe Ltd., Hubli was referred to the Labour Court, Hubli for adjudication,

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. PLM 8 LLD 64.]

By Order and in the name of the Governor of Mysore,

1017

G. G. PUROHIT, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER

Bangalore dated 23th August 1967.

S. O. 1742.—WHEREAS by State Government Order No. LMA 523 LLD 66, dated 16th November 1966 the Industrial Dispute between the Workmen and the Management of B. N. Raju Mudaliar & Co. 83, V Main Road, Channarayana, Bangalore-13, was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS before the said Labour Court, Bangalore a complaint was made under Section 33A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shri N. Palani, J 121, Anjaneya Block, Seharicouram, Bangalore-20, alleging that he was dismissed unjustly and illegally.

AND WHEREAS the said Labour Court, Bangalore adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33A of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore hereby directs the publication of the said award in the *Mysore Gazette*.

[No. FCL 612 LLD 67.]

By Order and in the name of the Governor of Mysore,

1023

G. G. PUROHIT, *Under Secy.*

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated this 19th day of August 1967.

Present :

Sri P. T. Kodko', B.Sc., LL.B.

Presiding Officer.

Complaint No. 2 of 1967.

in

Ref. No. 134 of 1966

Complainant :—N. Palani, J 121, Anjaneya Block, Seshadripuram,
Bangalore-20. ... *I Party.*

Vs.

Respondent :—The Management of B. N. Raju Mudaliar & Co.,
83, V Main Road, Chamarajpet, Bangalore-18.
II Party.

Reference :

(Government Order No. LMA 523 LLD 66, dated 16th
November 1966.)

AWARD.

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 filed by the Complainant against the Respondent during the pendency of Reference No. 134/66 which has been referred for adjudication to this Court by the Government of Mysore under Section 10 (1) (c) of the Industrial Disputes Act, 1947 by their Order No. LMA 523 LLD 66, dated 16th November 1966.

2. The case of the complainant is that he has been dismissed by the Respondent unjustly and illegally.

3. The case was being adjourned for filing of the statement of objections by the Respondent. However on 16th August 1967 when the case was called the representatives of both parties appeared and filed a joint memorandum of settlement marked Ex. A and prayed for an award in terms thereof. It is seen from it that the management has agreed to pay a sum of Rs. 450 to the complainant in full and final settlement of all his claims. I am of opinion that the terms of settlement as embodied in Ex. A are quite fair and reasonable and I accept them.

4. In the result I make an Award as under:—

AWARD.

Complaint is accepted. Award is made between the parties in terms of the memorandum of settlement, marked Ex. A, which should be annexed to this Award and be deemed as forming part of it. No costs.

(Sd.) P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE LABOUR COURT, BANGALORE.

Complaint No. 2 of 67.

Complainant :—N. Palani

Respondent :—B. N. Raju Mudaliar & Co.

The Parties beg to state as follows:—

1. The management agrees to pay the complainant a sum of Rs. 450 (Rupees four hundred and fifty) only.

2 The complainant accepts the same in full and final settlement of all his claims viz., arrears of pay, compensation and bonus for the years 1964-65 and 1965-66 and all other claims relating to his employment with the management and gives up his claims for reinstatement.

3. The management agrees to pay the said sum of Rs. 450 (Rupees four hundred and fifty only) on or before 15th August 1967. Both parties pray that the honourable Court may be pleased to pass an order in the above terms.

Bangalore.

Dated 16-8-67.

I Party Complainant (Sd.) N. Palani,

II Party (Sd.) B. N. Raju Mudaliar,

Respondent :

(Sd.) P. R. Narayanaswamy,
16/8

(Sd.) M. S. Rama Rao.
For Complainant.

Filed, recorded and marked A.

Intd. P. T. K

16-8

"COPY"

P. T. KARKOL,
Presiding Officer,
Labour Court, Bangalore.

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute.—Industrial Dispute between the Workmen and the Management of B. N. Raju Mudaliar and Co., 83, 5th Main Road Chamarajpet, Bangalore-18.

Award of the Labour Court, Bangalore—Published.

Read the following papers:

(i) Letter No. 533/67-68, dated 19th August 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Present:

Shri P. T. Kadkol, B.Sc., LL.B.,

— Presiding Officer.

Reference No. 134 of 1965.

Workmen represented by the Secretary, District Engineering Workers Union, Bangalore ... *I Party.*

Vs.

The Management of B. N. Raju Mudaliar and Co., 83, 5th Main Road, Chamarajpet, Bangalore-18 ... *II Party.*

Reference: Government Order No. LMA 523 LLD 66 dated 16th November 1966.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s. B. N. Raju Mudaliar and Co., Bangalore have referred it for adjudication to this court under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 533 LLD 66, dated 16th November 1966, setting out the following points of dispute for adjudication:—

1. Whether the workmen of the B. N. Raju Mudaliar and Company, 83, 5th Main Road, Chamarajpet, Bangalore-18 are justified in demanding the revival of the customary concession of coffee allowance?

2. Whether the above said workmen are entitled to payment of bonus for the year 1964-65? If so to what extent?

2. The cause of the workmen has been sponsored by the District Engineering Workers Union, Bangalore which is a Registered Trade Union. This Union as representing the Workmen is the first party and the management of B. N. Raju Mudaliar and Co., is the second party in this proceeding. The Union is represented by Sri M. S. Rama Rao and the management, by Sri P. R. Narayanaswamy.

3. In response to the notice issued by the Court, the first party has put in its statement of claims dated 23rd January 1967 and the second party has put in its statement of objections dated 17th February 1967. On the basis of these pleadings two additional issues were framed and set down for hearing on 20th March 1967.

4. On 16th August 1967 when the case came on for hearing the representatives of both the parties appeared and filed a joint memorandum of Settlement, Ex. A., and prayed for an Award in terms of it. I have gone through the terms thereof and I am satisfied that they are fair and reasonable and I accept them.

5. In the result I make an Award as under:—

AWARD.

Reference is accepted. Award is made between the parties in terms of the memorandum of settlement marked Ex. A which should be annexed to this Award and be deemed as forming part thereof. I order each party to bear its own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"COPY"

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

Place : Bangalore.

Date 19-8-1967.

BEFORE THE LABOUR COURT, BANGALORE.

Reference No. 134 of 1966.

Workmen of B. N. Raju Mudaliar and Co., ... *I Party*

Vs.

The Management of B. N. Raju Mudaliar and Co., *II Party*

Memorandum of Settlement

Both parties agree as follows :—

1. The Management shall pay to the Workmen the minimum Bonus as contemplated under the Payment of Bonus Act and the workmen accept the same in full and final settlement of all their claims relating to the payment of Bonus for the year 1964-65.

2. The management agrees that each worker who is on the rolls of the company shall be paid a sum of Rs 3 (Rs. Three only) extra with effect from May 1967 and the workers accept the same in full satisfaction of their claims for coffee allowances.

Both parties pray that an award in the above terms may be passed.

I Party (Sd.) M. S. Rama Rao.

(Sd.) B. N. Raju Mudaliar,

Bangalore

II Party (Sd.) P. R. Narayanaswamy.

16-8-1967.

Filed, Recorded and Marked

Ex. A. Intd. P. T. K.

16-8-1967.

"COPY"

P. T. KADKOL,

Presiding Officer,

Labour Court, Bangalore.

ORDER

Bangalore, dated 28th August 1967.

S.O. 1743.—WHEREAS by State Government Order No. LMA 523 LLD 66, dated 16th November 1966, the Industrial Dispute between the Workmen and the Management of B. N. Ruju Mudaliar and Co., 83, 5th Main Road, Channarayana, Bangalore-18 was referred to the Labour Court, Bangalore for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government in its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 523 LLD 66.]

By Order and in the name of the Governor of Mysore,

1013

G. G. PURBHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Sri Krishna Talkies, Belgaum.

Award of the Labour Court, Hubli—Published.

Read the following papers :—

(i) Letter No. 1246/67-68, dated 25th August 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI

Dated 25th August 1967.

Reference (ID) (LCH) No. 33 of 1968

Present :

Sri Syed Azizuddin Ahmed, M.A., B.L., ... *Presiding Officer.*

Between :

The Workmen of Shri Krishna Talkies, Belgaum, represented by the General Secretary, The Belgaum Theatre Employees' Union, 3123, Ganapat Galli, Belgaum. ... *I Party*

and

The Management of Sri Krishna Talkies, Belgaum. ... *II Party*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947, made by the Government of Mysore in their Order No. LMA 184 LLD 66, dated 18th June 1966. The points of dispute referred for adjudication are as under :—

1. Are the employees of Shri Krishna Talkies, Belgaum justified in preferring the following demands?

(a) All employees should be given appointment letters and those who have completed one year of service should be confirmed as permanent employees ;

(b) All the employees be paid a bonus of the amount equal to three months emoluments for the accounting years 1962, 1963, 1964 and 1965.

(c) The employees be paid the wages as shown hereunder:

	Basic Rs.	D A. Rs.
1 Manager	160—10—250	50—00
2 Asst. Manager	100—8—150	50—00
3 Accountant	150—10—250	50—00
4 Operator	140—8—220	50—00
5 Asst. Operator	100—6—160	50—00
6 Booking Clerk	75—5—100—8—140	40—00
7 Door keeper	50—5—75—7—120	40—00
8 Peons	40—3—55—5—80	40—00

This includes hand-cart boys, cycle stand boys, publicity boys, cabin boys and sweepers.

9 Watchman	50—4—70—5—95	50—00
10 Carpenter	80—5—105—8—145	50—00

Increments for past service be given. Preference should be given to the employees in service for promotion to higher posts.

(2) If not, to what other reliefs the employees are entitled to?

2. The cause of the aggrieved workmen has been sponsored and espoused by the Belgaum Theatres Employees' Union, 3123, Ganpat Galli, Belgaum. Sri Juvekar, General Secretary appeared for the I Party while the management was represented by its Proprietor-Partner Sri C. S. Acharya. In response to the notices issued by this Court, the I Party filed a very short Claim Statement, dated 25th July 1966, claiming Rs. 11,880 by way of bonus and Rs. 6,790 being the difference of wages from January, 1966 to July 1966. They have annexed a schedule describing the details of the amounts demanded by them. I am afraid the I Party has completely lost sight of the fact that the matter on hand is a reference and not an application U/s 33 C(2) of the Industrial Disputes Act, 1947. It soon noticed its mistake and filed an additional claim statement, dated 31st August 1966.

3. The sum and substance of the additional claim statement is that the II Party has been all along avoiding letters of appointment to its employees. So, the II Party be directed to give letters of appointments to the present workmen, who may be appointed in future. They also claim that the workmen be given

benefits of leave, provident fund and retirement benefits. The II Party has made huge profits during the years 1963-64 and 1964-65. It may be asked to pay bonus equal to three months pay each of the years and maximum bonus equal to 20 per cent of the total emoluments of the workmen for the year 1965. The workmen be paid with retrospective effect from 1st January 1966 the scales of pay and D.A. mentioned in paragraph 4 of the additional claim statement. Thus, the claim statement is in the nature of a charter of demands.

3. The management filed its counter statement, dated 7th September 1966 contesting the claim statement of the I Party. In the meantime, Mr. B. K. Junebelgaumkar and nine others employees of the II Party filed an application dated 22nd August 1966, stating that they were not the members of any union on 27th December 1965, the date of demands in question and they were also not members of any Union when the conciliation in question had started. In short, they prayed that they may be made parties to the dispute and they may be allowed to file their claim statement. This application was allowed. These ten workmen also filed their claim statement dated 5th October 1966. The management has filed its counter statement in reply to the claim statement of the additional parties. In the meantime, both the parties, having compromised the matter, filed a compromise agreement, dated 26th May 1967.

4. When the case was taken up at Belgaum camp on 29th June 1967 for hearing, Sriyuths B. K. Junebelgaumkar, J. L. Prabhu, M. S. Bongale and Vasant Kolwalkar admitted before me the execution of the compromise agreement. A second set of the signatories of the settlement Sriyuths B. K. Patil, V. S. Desai, K. T. Pawase, C. L. Artal and J. B. Chougule filed an application stating that the management had obtained their signatures to the compromise agreement by force, so, they do not admit it. Thereupon, an issue was raised whether the petitioners prove that their signatures were taken to the statement by force? The case was later taken up for hearing at Belgaum camp on 5th August 1967. On that date the parties examined five witnesses each and closed their evidence. The arguments of the representatives of both the parties were heard. The issue is whether B. K. Patil and four others prove that the management had obtained their signatures to the compromise agreement by force?

FINDINGS

B. K. Patil, W.W. 1, K. T. Pause, W.W. 2, C.L. Artal W.W. 3, V. S. Desai, W.W. 4 and J. B. Chougale, W. W. 5 all of them admit their signatures on the settlement, Ex W-1. The first two witnesses deposed that they had signed the settlement on the assurance given by Sri Bhandare, Advocate that he would explain to them the contents of the settlement. But Bhandare later did not honour his promise. C. L. Artal, W.W. 3 gives credit to Bhandare saying that he started reading the settlement but Mr. Acharya, the partner of the II Party asked him not to read it. This witness admits that he knows the English language. Similarly, V. S. Desai, W.W. 4 admits that he knows the English language. In rebuttal, B. K. Junebelgaumkar, M. W. 1, J. L. Prabhu, M.W. 2, M. S. Bongale, M.W. 3, V. M. Kolwalkar, M.W. 4 and N. Ram Bhat, M.W. 5 deposed that the settlement was read over to all the workmen and their signatures were obtained on it. No force was brought to bear on the workmen. From the deposition of B. K. Patil and others W.W. series of the witnesses it is not found that the management had brought to bear any force on them to sign the settlement. What they want to make out is that they had affixed their signatures to the settlement on the assurance that it would be explained to them later and the same was not done. This is something different from their stand that their signatures were obtained by force. There is one significant fact to be noted. C. L. Artal, W.W. 3 and V. S. Desai, W.W. 4 admit that they know the English language. Such being the case, it would be presumptuous on their part to say that they could not know its contents. The witnesses could have themselves read the settlement and affixed their signatures. It is to be borne in mind that this dissident group consists of mature persons and wordly wise persons. It cannot be expected that they had blindly put their signatures to the settlement. There is no reason why the other batch of witnesses should step into the witness-box and depose that the management had read over and explained to the workmen. The point is, which of the rival versions has to be accepted. I have not the slightest shadow of doubt in my mind that all the workmen affixed their signatures to the settlement of their free will. Later, under some extraneous influence the dissident group made up their minds to back out of the settlement. Solemn agreements arrived at between the parties cannot be allowed to be thrown over-board at the mere whim and fancy of a group. On a balancing of the evidence, I

hold that the version of the management-witnesses appears to be correct. The issue is decided in favour of the II Party.

AWARD

The award is passed in terms of the settlement, dated 26th May 1967, marked Annexure 'A'. The same be read as part of the award. No order as to costs.

Place : Hubli.

Date : 25-8-1967.

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli.

ANNEXURE "A"

Reference (ID, (LCH) No. 33 of 1966.

Memorandum of Settlement.

Names of Parties.—

Representing Employer : 1. Sri C. S. Acharya, Proprietor,
Shri Krishna Talkies, Belgaum

Representing Employees : 1. Sri B. K. June Belgaumkar.
2. Sri J. L. Prabhu.
3. Sri N. D. Kekre.
4. Sri M. S. Bongale.
5. V. M. Kolvilkar.

Short Recital of the case.

The Belgaum Theatres' Employees' Union made a demand on the employer by their letter dated 27th December 1965 about matters mentioned in the said letter. The matter was thereafter taken into conciliation. On the failure of conciliation, Government of Mysore referred the matter to the Labour Court at Hubli under Ref. (ID) (LCH) No. 33 of 1966 and the matter is now pending before the Labour Court at Hubli. During the pendency of the matter, the individual parties in the case requested that they should be made individual parties in the case and were accordingly made individual parties. In the mean-time, employer and all the employees have arrived at a settlement which is recorded below :—

Terms of Settlement.

- (a) The total number of employees in Shri Krishna Talkies comes to 18 and out of that this settlement is arrived at by 18 employees.
- (b) The Union in question is not the Union of Shri Krishna Talkies and has no right to espouse or sponsor any dispute on behalf of the employees of Shri Krishna Talkies and hence the Secretary of the said union has no right of representation locus standing in the matter.
- (c) There was or no individual dispute between the employer and employees of Shri Krishna Talkies in

respect of matters mentioned in the reference in question. None of the employees were members of the union in Question at any material and relevant time and they never backed up the demands of the union or ratified the same, so far.

No employee from Shri Krishna Talkies was a member of the union in question on the date of the letter of demand dated 27th December 1965. Even if some of them were members thereafter, they all resigned prior to the date of reference in question. They were also not members of the union when conciliation proceedings were started. Thus, it was clear that the employees of Shri Krishna Talkies did not make any demands against the employer.

About the non existence of any industrial dispute the parties hereto have informed the Conciliation Officer-the State Government of Mysore and this Hon'ble Labour Court in respect of all the matters under reference.

The Parties hereto agree that the relations between the employer and Employees in Shri Krishna Talkies have been very cordial and the employer has in his discretion given whatever is demanded by the employees on account of wages, dearness allowance, bonus, provident Fund, and increment in wages and parties hereto trust that if all the matters are left to the discretion of the employer, he is bound to keep the employees on better terms and condition and hence all the employees of Shri Krishna talkies enjoy better terms and conditions and privileges than any other theatre in the locality. The Union in question has agreed with the theatres in the locality for less favourable terms and conditions than what the employees of Sri Krishna Talkies enjoy.

The following are the employees of Shri Krishna Talkies with names and designations, their wages, dearness allowance and employee's provident fund in addition. Parties hereto agree to maintain the statusquo and leave the whole matter to the discretion of the employer for 5 years from the date of signing this settlement.

Names	Designation.	Pay D. A. Total P. i funds			
		Rs	Rs	Rs	Rs
1. Mr. B. E. June-Belgaumkar	Asst. Manager and Booking Clerk.	155	5	160	9-75
2. " J. L. Prabhu.	Accountant and clerk.	125	5	130	7-75
3. " N. D. Kekre.	Operator	90	5	95	5-75
4. " J. B. Chougule	"	75	15	90	4-75
5. " Nakrade,	Operator.	75	10	85	..
6. " Kekre,	"	25	10	35	...
7. " M. S. Bongale,	Booking clerk.	60	10	70	3-75
8. " N. R. Bhat.	"	70	0	80	4-50
9. " C. L. Aital	"	60	10	70	3-75
10. " Vasant Kolvilkar	Door keeper,	45	10	55	2-75
11. " Vishnu Desai,	"	30	10	40	2-00
12. " K. T. Pawase.	"	35	10	45	...
13. " B. K. Patil.	"	30	10	40	...
14. " Waman M. Jadhav.	"	30	0	40	...
15. " G. S. Hosur,	"	25	10	35	...
16. " N. G. Kakade,	Painter	45	10	55	...
17. " Peddanna.	Swamp.	25	10	35	...
18. " Shantaram Bhima.	Peon.	60	10	70	3-75

Parties hereto agree that the demands made by the Union by their letter dated 27th December 1965 are not at all justified and the Union itself has not pressed them in a comparable concerns in Belgaum i. e. Ritz and Chitra Talkies.

Hence, parties hereto also agree that the employees of Shri Karishna Talkies never put forward any demand mentioned in the order of reference as they are all unjustified and they have no grievance so far on their account and hence parties hereto do not press them and when all the employees had resigned prior to the date of reference in question from the Union, the Union had also no right to press them.

Parties agree that the age of retirement should be 55 only.

The provisions for hours of work weekly off, annual leave, sick leave, carry-over of leave, discharge, dismissal etc. shall be as provided in the Mysore Shop and Commercial Establish. ment Act 1961.

All the employees have been paid bonus, which is due to them as also wages due so far and no claims in this behalf have survived.

The rest of the alleged points in dispute mentioned in the order of reference being unjustified are not pressed.

The operation of the settlement will commence immediately upon its signing, the employer and employees will jointly file a copy of the settlement with the Hon'ble Labour Court at Hubli. They will also jointly apply for passing of the Award in terms and conditions of the settlement and to dispose off reference (ID) (LCH) No. 33 of 1966. This statement will remain in force for 5 years from the date of signing of the settlement. All the parties agree to abide by the terms and conditions of the settlement which has been entered into in the spirit of the mutual good-will, faith and co-operation.

The terms for the settlement signed this day and in token whereof the employer and the representatives of the workers of Shri Krishna Talkies and all the other workers of Shri Krishna Talkies have set their respective signatures this 26th June 1967.

(Sd-)

Representative of employer.

Representative of Workers

appointed in a meeting held (Sd-) (1 to 5)
for the purpose as required
by (ID) Act and Rules named as
above.

All other employees of
Shri Krishna Talkies. (Sd-) (1 to 13)
.....

I identify the Signatures of employer of all employees as they have all signed before me in my presence.

(Sd-).....

Pleader

26-6-1967.

2C (ii)-3

Sri B. K. June Belgaumkar (2) J. L. Prabhu, (3) M. S. Bongale (4) Vasant Kolvilkar are present in person and admitted before me the execution of this compromise agreement. They were identified by Sri B. P. Bbandare, Advocate, Hence, verified.

Sd : (B. K. June Belgaumkar) (Sd)

Sd : (J. L. Prabhu)

Sd : (M. S. Bongale)

Sd : (Vasant Kolvilkar)

*Presiding Officer,
Labour Court, Hubli*

Place : Hubli

Date : 25-8-1967

SYED AZIZUDDIN AHMED,
*Presiding Officer,
Labour Court, Hubli.*

ANNEXURE 'S'

Reference (ID) (LCH) No. 33/1965

Witnesses examined for I Party

- W.W. 1 Bapu Kallappa Patil
 W.W. 2 Kedari Takkappa Pause
 W.W. 3 Channappa Lexman Artal
 W.W. 4 Vishnu Sairoba Desai
 W.W. 5 Jannappa Bharamanna Chengale

Witnesses examined for II Party

- M.W. 1 Baswant Kasappa Junebelgaumker
 M.W. 2 Jagannath Lakshman Prabhu
 M.W. 3 Muralidhar Shankar Bongale
 M.W. 4 Vasant Mahadev Kolwalkar
 M.W. 5 N. Ram Bhat S/o Narayan Bhat

*Documents marked for I Party.***Exhibits :—**

- W-1 Memorandum of settlement dated 26-6-1967.
 W-1(a) Signature of Sri B. K. Patil on Ex. W-1
 W-1(b) -do- K. T. Pause -do-
 W-1(c) -do- C. L. Artal -do-
 W-1(d) -do- V. S. Desai -do-

Documents marked for II Party

Nil

Place : Hubli
 Date : 25-8-1967

SYED AZIZUDDIN AHMED,
 Presiding Officer,
 Labour Court, Hubli.

ORDER

Dangalore, dated 31st August 1967.

S. O. 1744.— WHEREAS by State Government Order No LMA 184 LLD 66, dated 16th June 1966 the Industrial Dispute between the Workmen and the Management of Sri Krishna Talkies, Belgaum was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the power conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 184 LLD 66.]

By Order and in the name of the Governor of Mysore,

1009

G. G. PUROHIT, *Under Secy.*

REVENUE SECRETARIAT.

NOTIFICATION.

Bangalore, dated 8th September 1967.

S. O. 1745.— In exercise of powers conferred under Section 5 of the Bombay Public Trust Act, 1950 (Bombay Act LXIX of 1950) as in force in Belgaum division, the Government of Mysore hereby order the continuance of the services of Shri V. D. Pated, Civil Judge, Dharwar as Assistant Charity Commissioner, Belgaum, for a further period from 3rd September 1967 to 30th April 1968.

[No. RD 172 MET 67]

By Order and in the name of the Governor of Mysore,

1035

V. NANJIAH, *Under Secy*

PUBLIC WORKS SECRETARIAT.

NOTIFICATION.

Bangalore, dated 6th September 1967.

S. O. 1745.—In exercise of the powers conferred by Section 51 of the Indian Electricity Act, 1910, (Central Act, 9 of 1910), the Government of Mysore hereby confers subject to the provisions of the Indian Telegraph Act, 1885, on the Chief Engineer, Hydro Electric Construction Project Bangalore the powers which the telegraph authorities possess under Section 10 of the Indian Telegraph Act, 1885, for the purpose of laying the 220 KV transmission line between Shimoga and Mangalore.

[No. PWD 221 FEB 67.]

By Order and in the name of the Governor of Mysore.

1036

S. BALASUBRAMANYAN, *Under Secy.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 8th September 1967.

S. O. 1747.—In exercise of the powers conferred by Section 67 of the Code of Criminal Procedure, (Mysore Amendment) Act, 1965 (Mysore Act 13 of 1965), the Government of Mysore hereby revokes the Notifications No. SJE. 1454/11932 (i) B, dated the 27th April 1954 and No. 3553/7-XV, dated the 1st July 1953 issued by the former Government of Bombay under Section 37 of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

[No. HD 10 PCR 1967]

By Order and in the name of the Governor of Mysore,

1038

V. A. GUMASTE, *Under Secy.*

LAW AND PARLIAMENTARY SECRETARIAT

NOTIFICATION.

Bangalore, dated 6th September 1967.

S. O. 1748.—In exercise of the powers conferred by Section 37 of the Code of Criminal Procedure, 1893 (Central Act 5 of 1893), the Government of Mysore hereby invest Sri B. Rajeeva Hegde, B.A., LL.B., Munsiff-Magistrate, Bhadravathi, with powers to try offences summarily under Section 260 of the said Code.

[No. LAW 85 LAC 67.]

By Order and in the name of the Governor of Mysore,

1029

R. A. RAMASWAMY, *Under Secy.*

PLANNING, HEALTH AND SOCIAL WELFARE DEPARTMENT.

NOTIFICATION

Bangalore, dated 4th September 1967.

S. O. 1749 .—The undermentioned Universities in India are recognised by the Government of Mysore for the purpose of Rules 44(a) and 44(b) the first proviso to Rule 44, Rules 49(a) 49(c) and Clause (a) of the explanation under 65 (15) of the Drugs and Cosmetics Rules, 1945, issued by the Department of Health, Government of India under the Drugs and Cosmetics Act, 1940.

1. Bangalore University.
2. Shivaji University.
3. Madurai University.

[No. PHS 431 MMC 67.]

By Order and in the name of the Governor of Mysore,

1029

I. S. SHAIKH, *Under Secretary.*

NOTIFICATION

Bangalore, dated 30th August—1st September 1967.

S. O. 1750 .—In exercise of the powers conferred by sub-section (1) of Section 20 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940) and in supercession of Notification No. PLM 385 PET 63, dated the 22nd October 1963, the Government of Mysore hereby appoints Shri George Phillip, Officiating Senior Chemist, Drugs Testing Laboratory, Bangalore and Shri M. A. Mathew, officiating Bio-Chemist, Drugs Testing Laboratory, Bangalore to be Government Analysts for the whole of the State of Mysore in respect of all Cosmetics and all Drugs other than those specified in Schedule 'C' to the Drugs and Cosmetics Rules, 1945.

[No. PHS 249 PTD 67.]

By Order and in the name of the Governor of Mysore,

1030

M. K. VENKATESHAN, *Secy.*

NOTIFICATION.

Bangalore, dated 4th—5th September 1967

S. O. 1751.—In exercise of the powers conferred by sub-section 5 (a) of Section 5 of the Mysore Prohibition of Beggary Act, 1944, (Mysore Act No. XXXIII of 1944) read with rule 5 of the Rules for the Prohibition of Beggary, 1947, as in force in Mysore area, the Government of Mysore hereby appoint the Administrator, Bangalore City Corporation, Bangalore, as a Member of the Central Beggar Relief Committee, Bangalore as reconstituted under Notification No. PHS 29 SBR 65 dated 26th August 1965, in place of the Mayor, Corporation of the City of Bangalore.

[No. PHS 29 SBR 67.]

By Order and in the name of the Governor of Mysore,

1040

N. J. E. BRITTO, *Under Secy.*

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 31st August/2nd September 1967.

S. O. 1752.—Whereas the Government of Madras in its order No. 1855 Education dated 31st December 1942 has settled a scheme for the administration of the fund called K. Yeshoda Bai Scholarship Endowment Fund ;

And whereas an application has been made by Smt. Bhanumathi S. Rau, Secretary of the Ishwarananda Mahila Sevashram Society, Mangalore-2 at present acting as President in the administration of the said Fund, for the modification of the said scheme ;

Now, therefore in exercise of the powers conferred by sub-sections (2) and (3) of section 5 of the Charitable Endowment Act, 1890 (Central Act VI of 1890) and with the concurrence of Smt. Bhanumathi S. Rau, the Government of Mysore hereby modifies the said scheme as follows and appoints 20th September 1967 as the day on which the said modified scheme shall come into operation namely :—

~~2224~~ In clause 2 of the said schemes for the words “ the Director of Public Instruction, Madras ” the words “ The Director of Public Instruction in Mysore, Bangalore ” shall be substituted.

[No. ED 12 CEN 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore, dated 5th September 1967.

S. O. 1753.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the National College of Law, Shimoga to the Mysore University to run the F.L. Course with an intake of 100 students and extension of affiliation for teaching B.L. Degree Course with an intake of 80 students for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. LD 30 UAC 67.]

By Order and in the name of the Governor of Mysore,

1027

S. N. SREENATH,
Under Secy.

NOTIFICATION.

Bangalore, dated 5th September 1967.

S. O. 1754.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957 the Government of Mysore are pleased to sanction permanent affiliation of the Karnataka Regional Engineering College, Suratkal to the Mysore University to run the following courses with effect from 1967-68:—

- (i) Fourth and Final year classes of B. E. Degree—Five-Year Integrated Course in Civil, Mechanical and Electrical branches ; and
- (ii) Third year of the B.E. Degree—Five-Year Integrated Course in Chemical Engineering and Metallurgy :

and temporary affiliation to run the following courses for the period noted against each :

- (i) Fourth year of the B.E. Degree—Five-Year Integrated Course in Chemical Engineering and Metallurgy for the year 1966-68 ;
- (ii) First year of the M. Technical Course in (a) Marine Structures and (b) Industrial Structures for the year 1966-67 ;
- (iii) First and Second years of the M. Technical Courses in (a) Marine Structures and (b) Industrial Structures with an intake of 15 students for each branch for the year 1967-68 ; and
- (iv) First year of the M.E. Degree Course in (a) Electrical Engineering—Electrical Machines, (b) Mechanical Engineering—Heat Power with an intake of 10 students for each branch for the year 1967-68 ;

subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 47 UAC 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore, dated 31st August—1st September 1967.

S. O. 1755.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Siddaganga Institute of Technology, Tumkur to the Mysore University, to run the B.E., Degree-Five Year Integrated Course, for I, II, III and IV year classes in Civil, Mechanical and Electrical Branches in the Ratio of 40: 40: 40 with a maximum intake of 120 student to the First year, and extension of affiliation to the V Year, of the Course in Mechanical and Electrical branches in the ratio of 40: 40 and affiliation for the I and II Years of the B.E., Degree Special Course for the Diploma holders in Civil, Mechanical and Electrical branches in the ratio of 20: 20: 20 with maximum intake of 60 students to the First year be continued for the year 1967-68 subject to the condition laid down by the Local Inquiry Committee.

[No. ED 39 UAC 67.]

By Order and in the name of the Governor of Mysore,

1031

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 2nd September 1967.

S. O. 1756.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Saradavilas Teachers' College, Mysore to the Mysore University, for teaching the B. Ed. Degree course with an intake of 80 students for the year 1967-68 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 38 UAC 67.]

By Order and in the name of the Governor of Mysore,

1034

S. N. SREENATH, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 4th September 1967.

S. O. 1757.—In exercise of the powers conferred under Rule 15(1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 16 EPO 67, dated 6th March 1967, sanctioning a prospecting licence for Kyanite in respect of the area of 63 acres of land in Kunchur village, Koppa Taluk, Chikmagalur District in favour of Shri P.A. Narahari Rao, as the grantee failed to pay the security deposit and execute the deed inspite of having allowed a further period of one month over and above the prescribed time limit, in Government letter No. CI 111 EPO 67, dated 27th June 1967.

[No. CI 171 EPO 67.]

By Order and in the name of the Governor of Mysore,

1032

K. PANDURANGA RAO, *Deputy Secy.*

NOTIFICATION.

Bangalore, dated 4th September 1967.

S. O. 1758.—In exercise of the powers conferred under sub-Rule (vii) of rule 14 of Mineral Concession Rules, 1960 and read with clause (1) of part 4 of the covenants of Prospecting Licence deed, the Government of Mysore are pleased to sanction the transfer of the Prospecting Licence specified in the Schedule appended hereunto by Captain Harry T. Machado in favour of M/s. Burn and Co., Calcutta, subject to the condition that a transfer deed is executed and registered between the transferor and the transferees wherein the transferees should agree to be bound by the terms of the original licence deed for the balance period of prospecting licence.

SCHEDULE.

Name and date of the Government Order sanctioning the prospecting licence	Ore	Place	Area
CI 242 EPO 65 dated 20-10-1965	Magnesite and Limestone	Kasalogode and other villages, Keshalnagar Taluk.	1920 acres

[No. CI 145 EPI 67.]

By Order and in the name of the Governor of Mysore.

1033

K. PANDURANGA RAO, *Deputy Secretary.*

NOTIFICATION.

Bangalore, dated 2nd September 1967.

S. O. 1759.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 60 EPI 66, dated 28th April 1967, sanctioning a Prospecting Licence for Limestone and Dolomite in respect of the area of 27.20 Sq. K.M. of land in Kuligod and other villages, Gokak Taluk, Belgaum District in favour of Messrs. Cement Corporation of India Limited as the grantees have stated that they are no longer interested in obtaining Prospecting Licence and the same may be treated as cancelled.

[No. CI 140 EPI 67.]

By Order and in the Name of the Governor of Mysore,

1041

N. NARAYANASWAMY, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT
ORDER.

Bangalore, dated the 29th August 1967

S. O. 1760.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Graduates' Co-operative Bank Ltd., Chamaraja Road, Mysore-1, on the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute.

- "1. Are the Management of Graduates' Co-operative Bank Ltd, Chamaraja Road Mysore, justified in not implementing the recommendations of the *Ad hoc* Committee for Co-operative Employees, which has been accepted by Government of Mysore *vide* No. DPC 142 CCC 65, dated 4th November 1966?
2. If not, are the employees of the said Co-operative Bank justified in demanding the pay scales, medical relief, provident fund subscriptions, retirement age, gratuity scheme and leave facilities (without curtailing all personal and special allowance, other advances and loan benefits existing until now) as follows, as recommended by the *Ad hoc* Committee for Co-operative Employees; or to any other relief?
 - (a) The pay scales of each employee be fixed with effect from 1st November 1966 as detailed in the annexed statement, including weightage, Dearness Allowance, House Rent Allowance at Government rates;

- (b) Medical Relief be allowed to each employee, his parents, wife, children and others depending upon him, equal to a month's salary of the employee with a ceiling of Rs. 100 each year ;
- (c) Provident Fund Subscription of the employees be enhanced from $6\frac{1}{2}$ per cent to $8\frac{1}{2}$ per cent of his basic pay and contribution of a like sum by the Management. The interest etc., shall be one per cent more than the interest allowed on Fixed Deposits in the said Co-operative Bank ;
- (d) Age of retirement, Gratuity and Leave facilities of the employees be as follows from 15th November 1966 as contained in the Co-operative Rules (Amendment) 1966 ;
- (i) *Age of Retirement* :—58 years ;
- (ii) *Leave facilities* :— 1. CASUAL LEAVE :—15 days in each calendar year ;
2. PRIVILEGE LEAVES :—1/11 of the total number of days on active service ;
- (iii) *Gratuity Scheme* :—One month's salary for every year of service upto a maximum of 15 months salary calculated on the average pay drawn just before retirement or death, as the case may be "

[No. FCL 381 LLD 67.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT *Under Secy.*

THE GRADUATES' CO-OPERATIVE BANK LTD., MYSORE.

Statement showing the details of Pay Scales and other allowance of the staff.

Sl. No.	Name	Designation	No. of yrs. of Service	Present Pay	Revised Scale	Basic pay to be fixed	Weightage		Total	D. A.	H. E. A.	Total
							No. of increments	Amount				
Sriyuths :												
1	M. Krishnappa	Secretary	30 Yrs.	267/50	220-10 320-E.B. 15 440	270	3	30	300	110	12	422
		Cashier	23 „	175	120-5 150-8-190 RB 10-250	182			190	90	12	292 + 15 CA.
3	H. Subba Rao	Sr. Clerk	22 „	165	-do-	166			182	90	12	284
4	R. Ananthanarayan	„	6 „	95	90-4-110 5-150-6 180	98			102	65	9	186
5	H. V. Nagaraj	„	4 „	86	-do-	90		...	90	65	9	164
6	M. V. Rajappa	Jr. Clerk	1½ „	64	-do-	90	...	...	90	65	9	164
7	K. L. Narayana Rao	I. Auditor	17 „	70	...	100	...	100	...	...	...	100
8	V. C. Rayan	Typist	1½ „	50	...	75	...	75	...	...	...	75
9	Sathyanarayana	Jr. Clerk	½ „	60	90-4-110 5-150-6 180	90	...	...	90	65	9	164
10	Adishesha	„	½ „	60	-do-	90	...	...	90	65	9	164
11	G. S. Nagarsaja Sharma	„	½ „	60	-do-	90	...	...	90	65	9	164
12	P. Ankanna	Attender	20 „	95	70-2-90 E.B. 3-120	96	2	6	102	65	9	176
13	Govinda Singh	Watchmen	8 „	48	60-2-90	65	1	1	56	47	7	110
14	Chikkaiab	Attender	½ „	40	-do-	65	...	...	60	47	7	114

4240

ORDER.

Bangalore, dated the 6th September 1957

S. O. 1761.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Precision Engineer Rightaids (Orient) Private Ltd., Doorvaninagar, Bangalore-16 on the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute

“Are the workers of Precision Engineers, Doorvaninagar, Bangalore-16, entitled to the demands mentioned below or to any other relief ?

1 The management shall provide transport facilities to the employees to go to the factory from their places of residence and back or pay conveyance allowance of Rs. 15 per month to every employee.

2 Since discrimination is being made in respect of providing uniforms to the employees of the companies the workers demand that the workers who are not being given uniforms at present shall also be given uniforms.

3 The workers employed in the following section of Precision Engineers and Rightaids shall be given half a litre of pure milk per day as they are engaged to do work which warrants extra nutrition.

(1) Plating; (2) Polishing; (3) Compression moulding and Die Casting and (4) Painting (Precision Engineers) and (5) Powder and Cream mixing (Rightaids).

4 The workers employed in the following Sections shall be provided with one pair shoes per year.

Polishers; Platers; workers of compression moulding; die casting sections; tool room; watch and ward; drivers boilerman; sheet metal; stores and all workers of ponds and to workers employed in press.

5 Attendance bonus equivalent to two days wages shall be paid to all employees for regular attendance with a tolerance of two days absence with leave.

6 All employees shall be paid festival advance equivalent to one months wages inclusive of D.A. to be recovered in twelve monthly instalments for any one of the festivals the worker may choose.

7 The management shall discontinue the harassment of workers by issuing charge sheets and warning notices on false and frivolous grounds which was created unrest among the workers. And the management shall immediately cancel the orders of suspension passed against Shri Mari and Hanumantha and pay them the wages for the period of suspension.

[No. FOL 607 LLD 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION

Bangalore, dated 11th September 1967.

S.O. 1762.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 3 and sub-section (2) of Section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Government of Mysore hereby revises with effect from 1st October 1967, the Minimum rates of wages for the class or classes of employment in any Tobacco (including Beedi making) Manufactory specified in column (1) of the Schedule annexed hereto as indicated in the corresponding entries in column (2) thereof.

SCHEDULE

Class of Employment	All inclusive Minimum rate of wages	
I BEEDIES		
	Rs.	P.
1 Beedi making :—		
For rolling 1,000 Beedies	2	80
2 Beedi wrappers	6	00
		for wrapping 1,00,000 beedies or 75 00 p m. if employed on time-rate system.
3 Taraiwalla	...	75 00
4 Bhattiwalla	...	75 00
5 Tobacco Mixers	...	75 00
6 Distributors of tobacco leaves	...	75 00
7 Truck, Van and Car Drivers	...	110 00
8 Clerks	...	75 00
		per month

II. TOBACCO INDUSTRY

1	Tobacco Workers	...	2	50	per day
2	Bag fillers	...	0	25	per bag of 15 Kg. for filling, weighing sewing and arranging, etc.
			or	75	00 p.m. if employed on monthly wages.
3	Tractors, Truck, Van and Car Drivers	110	00	}	per month.
4	Clerks	...	75	00	

III. SNUFF INDUSTRY

		Rs.	P.
1	For converting 1½ Kg. of tobacco in to snuff	1	75
2	For cutting 1½ Kg. of tobacco	...	0 15
3	For stripping 1½ Kg. of tobacco	...	0 25
4	For roasting 1½ Kg. of tobacco	...	0 40
5	For grinding and mixing 1½ Kg. of tobacco	0	75

Provided that the daily minimum wages payable under this item shall not be less than Rs. 2-60.

IV. ZARDA INDUSTRY (SCENTED CHEWING TOBACCO)

1	Casual workers	...	2	60	per day
2	Packers	...	75	00	} per month
3	Van and Truck Drivers	...	110	00	
	Clerks	...	75	00	

[No. FCL 104 LMW 66].

By Order and in the name of the Governor of Mysore,

ORDER.

Bangalore, dated the 11th September 1967. :

S. O. 1763.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Hindustan Machine Tools Ltd., Bangalore. On the points noted below;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947); the Government of Mysore hereby refer the said dispute for adjudication to the Additional Industrial Tribunal at Bangalore.

Points of Dispute.

“Are the employees of Hindustan Machine Tools Ltd., Bangalore justified in demanding 20 per cent of their salary as profit-sharing bonus for the year 1966-67? If not, to what quantum of profit-sharing bonus are the employees entitled to for the year 1966-67?”

[No. FOL 620 LLD 67.]

By Order and in the name of the Governor of Mysore;

ORDER.

----- Bangalore, dated 11th September 1937.

S. O. 1764.— WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. Sri Krishna Talkies, Chicktallapur, on the points noted below ;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication.

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

“Are the workmen of Sri Krishna Talkies, Chickballapur, justified in demanding the following:—

1. Wages :

(1) Manager	...	Rs. 150-10-300
(2) Chief Operator	...	Rs. 120-10-250
(3) 1st Operator	...	Rs. 100-5-200
() 2nd Operator	...	Rs. 80-3-120
(5) Booking Clerks	...	Rs. 80-4-120
(6) Gate Keepers	...	Rs. 60-4-100
(7) Painter and Carpenters	...	Rs. 80-5-20
(8) Board Boys	...	Rs. 40-3-100
(9) Sweepers	...	Rs. 40-2-90.

2. Dearness Allowance :

Fixed Dearness Allowance of Rs. 40 per month to all the employees.

If not, what other relief the workmen are entitled to ?”.

[No. FCL 579 LLD 67.]

By Order and in the name of the Governor of Mysore,

G. G. FURCHIT, Under Secy.

NOTIFICATION

Bangalore, dated the 8th September 1967.

S. O. 1765.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 3 and sub-section (2) of Section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Government of Mysore hereby revises with effect from 1st October 1967, the minimum rates of wages for the class or classes of employment in Public Motor Transport specified in column (1) of the Schedule annexed hereto as indicated in the corresponding entries in column (2) thereof:

SCHEDULE

Class of Employment 1	Minimum rates of Wages per month 2
I. Operational Staff.—	R. p.
1. Drivers	68-90
2. Conductors	60-25
3. Cleaners attached to Lorries	50-25
4. Checking Inspectors / Traffic Supervisor.	68-90
II. Ministerial Staff.—	
1. Accountants	120-5
2. Cashiers	100-50
3. Clerks, Booking Agents and Cashier Clerks.	78-95
4. Time Keepers.	50-25
III. Workshop Staff.—	
1. Cleaners	43-05
2. Greasers	
3. Oilers	
4. Watchmen.	
5. Unskilled Labourers, Peons/Office Boys and Helpers.	
6. Fitter	57-40
7. Auto-fitter	
8. Hammerman	
9. Assistant Artisans (All Trades)	

1	2
10. Assistant Mechanic	}
11. Tinkers.	
12. Liners.	
13. Painters.	
14. Electricians	
15. Turners	
16. T n-smith	
17. B tter -men	
18. Vulcanisers	
19. Artisan 'B'	78-95
20. Mechanics	}
21. Carpenters	
22. Blacksmiths	
23. Welders	
24. Artisans 'A' (All trades)	
	100-50

NOTE.—In addition to the above minimum rates of basic wages, cost of living allowance of Rs. 35 per month in cities having a population of one lakh and above, and Rs. 30 per month in other places shall be paid.

[No. FCL 103 LMW 66.]

By Order and in the name of the Governor of Mysore,

1044

R. ANANDAKRISHNA, *Secretary.*

ORDER

Bangalore, dated 11th September 1967.

S. O. 1766.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Sjts. B. Mohamed and B. Abdul Khader, partners of Lorry No. MYX 6022, Post Baikampadi, S. Kanara, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute

- I. "Are the Partners Sjts. B. Mohammed and B. Abdul Khader, Partners of Lorry No. MYX 6022, Baikampady P. O., South Kanara, justified in not paying arrears of pay from January, 1966 onwards and not reinstating Sri B. Eshwara, Driver, in his former job?
- II. If not, to what relief is the worker entitled to?"

[No. FCL 526 LLD 67.]

By Order and in the name of the Governor of Mysore,

EDUCATION SECRETARIAT.

NOTIFICATION.

[Bangalore, dated 8-12th September 1967.]

S. O. 1767.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University, (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Jayachamarajendra College of Engineering, Mysore, to the Mysore University, to run the B.E., Degree Course—I, II, III and IV year classes in Civil, Mechanical and Electrical branches in the ratio of 40:40:40 with a maximum intake of 120 students to the first year and extension of affiliation to the final year class for Mechanical Branch only with an intake of 40 students for the year 1967-68 subject to the conditions laid down by the local Inquiry Committee.

[No. ED 40 UAC 67.]

By Order and in the name of the Governor of Mysore,

1051

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 11th September 1967.

S. O. 1768.—In exercise of the powers conferred under sub-section (2) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Government College of Education, Davangere to the Mysore University, for running the B.Ed. Course with an intake of 100 students for a period of two years from June 1967 subject to the conditions laid down by the Mysore University.

[No. ED 36 UAC 67.]

By Order and in the name of the Governor of Mysore,

1052

S. N. SREENATH, *Under Secy.*

NOTIFICATION

Bangalore, dated 14th September 1967.

S. O. 1769.—In exercise of the powers conferred under section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the P.E.S. College of Science, Mandya to the Mysore University for teaching Pre-University Science Course, Physics, Chemistry, Mathematics combination with an intake of two Sections of 64 students each and fresh affiliation for teaching Pre-University Science Course, Physics Mathematics, Geology combination with an intake of 32 students for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 53 UAC 67.]

By Order and in the name of the Governor of Mysore,

1066

S. N. SREENATH, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 11th September 1967.

S. O. 1770.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Ruby Corundum to Shri M. Visweswar in the following areas of the T. Narsipur Taluk, Mysore District, on the terms and conditions mentioned below:—

Village	S. No.	Area
Tumli	51 and 51 to 59	40 Acres (6.19 Hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions.—

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a prospecting fee of Rs. 2.50 per hectare of the land covered by the licence for each year or portion of a year;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957 and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other substance prescribed

under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under Licence;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with Survey Numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him deposit as Security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified Geologist or a Mining Engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage .

13. The area mentioned above is subject to verification after actual survey.

(No. OI 182 EPO 67.)

By Order and in the name of the Governor of Mysore,

1056

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 16th September 1967.

S. O 1771.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Felspar and Quartz to Shri G. S. Basavaraj in the following areas of the Bangalore North Taluk, Bangalore District, on the terms and conditions mentioned below:—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Lingadaranahalli	3, 5, to 21	123 Acres (49.77 hectares,
(As delineated in the plan as furnished by the Department of Mines and Geology.)		

Terms and Conditions:

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government.

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government.

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee.

8. The licensee shall, before the deposit is returned to him submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him.

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a Mining Engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage.

13. The area mentioned above is subject to verification after actual survey.

(No. OI 177 EPO 67.)

By Order and in the name of the Governor of Mysore,

1057

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore dated 6th September 1967.

S.O.1772—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Corundum to Shri Ahmed Shariff in the following areas of the Hunsur Taluk, Mysore District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Chilkunda	218 to 221 232, 239 to 214	100 acres (10.47 Hectares)

(As delineated in the plan as furnished by the Dept. of Mines and Geology).

Terms and conditions—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence

is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified Geologist or a Mining Engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage

13. The area mentioned above is subject to verification after actual survey.

[No. CI 176 EPO 67]

By Order and in the name of the Governor of Mysore,

1080

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 8th September 1957.

S.O. 1773.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant to Messrs. Associated Cement Cos. Ltd., Bombay of a Mining Lease for twenty years for Sand in respect of the area of 20 acres (8.0 hectares) of land in Inga gi Village, Chittapur Taluk, Gulbarga District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below :—

- (a) Mining Lease should be in respect of Sand only. If other minerals are found in association with Sand they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Sand he should do so only after the consent of Government is obtained in writing.
- (b) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.
- (c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

- (d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act, No. XXIX of 1948, is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.
- (e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.
- (f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.
- (g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.
- (h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.
- (i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.
- (j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.
- (k) The total area held by the lessee under Mining leases including the present one shall not exceed 25.9 Sq. Kilometres.
- (l) Government shall have the right of purchasing the ore at current market rates.

- (m) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.
- (n) The area mentioned above is subject to verification after actual survey.

(No. OI 67 B.M.I. 67.)

By Order and in the name of the Governor of Mysore.

1061

N NABAYANASWAMY, *Under Secy.*

LABOUR AND MUNICIPAL ADMINISTRATION SECRETARIAT

ORDER.

Bangalore, dated 14—15th September 1967.

S. O. 1774.—In exercise of the powers conferred by Section 5 of the Mysore Local Authorities (Postponement of Elections and Continuance of Administrators) Act 1965 (Mysore Act No. 24 of 1965), and Section 315 of the Mysore Municipalities Act, 1964 (Mysore Act No. 22 of 1964), and all other powers enabling it in this behalf, and in supersession of Order No. LMA 15 TEL 67, dated 29th March 1967, the Government of Mysore hereby extends the present term of the Administrator of the Town Municipal Council, Challakere, Chitradurga District, for a further period of six months from 1st October 1967 up to and inclusive of the 31st day of March 1968, or till elections to the Councils are held whichever is earlier.

[No. LMA 57 TEL 67.]

By Order and in the name of the Governor of Mysore,

K. ABDUL RAHIM KHAN,

Under Secretary.

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 13th September 1967.

S. O. 1775.—In exercise of the powers conferred under Sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the St. Philomena's College, Puttur to the Mysore University for teaching the following courses for a period of three years from 1967-68:—

(i) Pre-University—(Commerce)

History, Economics, Commerce

(ii) B.Com. Degree (All the three years)

and fresh affiliation for teaching B.Sc. Degree Course (first year) with Botany, Zoology (Major) Chemistry (Minor) combination with an intake of 36 students for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 55 UAC 67.]

By Order and in the name of the Governor of Mysore,

1074

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 13th September 1967.

S. O. 1776.—In exercise of the powers conferred under Sub-section (3) of Section 44-44A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Government College, Kolar to the Mysore University for teaching the following courses:—

(i) B.A. Degree (all the three years) for two years from 1967-68

History, Economics (Majors) Sociology (Minor)

(ii) B.A. Degree (Third Year) for 1967-68

Kannada, History (Majors) Sociology (Minor)

(iii) B.Sc. (All the three years) for two years from 1967-68

(iii) Physics/Mathematics (Majors)	} 33 students for each combination.
Chemistry (Minor)	
Physics, Chemistry (Majors)	
Mathematics (Minor)	

Botany, Zoology (Majors) Chemistry (Minor) 48 Students. Subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 59 UAC 67.]

By Order and in the name of the Governor of Mysore,

1075

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, Dated 13th/15th September 1967.

S. O. 1777.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the B.D.T. College of Engineering, Davangere to the Mysore University to run the Fourth and Final year classes of the B. E. Degree Five Year Integrated Course in Civil, Mechanical and Electrical branches with an intake of 120 students to the First Year in the ratio of 40 : 40 : 40 for each branch for the year 1967-68 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 37 UAC 67]

By Order and in the name of the Governor of Mysore,

1076

S. N. SREENATH, *Under Secretary.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated 12th September. 1967.

S. O. 1778 — WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Abyathamanagala Estate, Siddapur Post, Coorg District, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore, hereby refer the said Dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute.

“Whether the Management of Abyathamangala Estate Siddapur Post, Coorg District, is justified in terminating the services of M/s. P.K. Ramamurthy and K. S. Narayana Rao, even without paying their salaries from 1st September 1966 to 1st May 1967 (the date of termination)? If not, are these employees entitled to reinstatement with back wages or to any other relief if any?”.

[No FCL 582 LLD 67.]

By Order and in the name of the Governor of Mysore.

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION

Bangalore, dated 8th September 1967.

S.O. 1779—In pursuance of sub-section (1) of Section 8 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Hubby Coundum to Shri S. M. Ananula in the following areas of the Mysore Taluk, Mysore District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Varuna	70 to 81, 206 & 207	135, Acres [54.13 hectares]

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and conditions—

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee is so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage ;

13. The area mentioned above is subject to verification after actual survey.

[No. CI 181 EPO 67.]

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY,
Under Secretary.

NOTIFICATION

Bangalore, dated 6th September 1967.

S.O. 1780.— In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore pleased to sanction the grant of a Prospecting Licence for ruby corundum to Shri M Visweswar in the following areas of the Mysore Taluk, Mysore District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>
Varuna	82, 83, 84, 85, (Parts) 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 99, 100, 101, 102, 103, (Part) 104	110 Acres (44-52 hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology)

Terms and conditions—

1. The licence shall be operative for a period of Two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957).

6. If any other minerals is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence

is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage ;

13. The area mentioned above is subject verification after actual survey ;

[No. CI 179 EPO 67.]

By Order and in the name of the Governor of Mysore,

1058

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION

Bangalore, dated 8th September 1967.

S.O. 1781.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Corundum to Shri Ahmed Shariff in the following areas of the Nanjangud Taluk, Mysore District, on the terms and conditions mentioned below :—

<i>Village.</i>	<i>S. Nos.</i>	<i>Area.</i>
Kotur (Dakka Alinagar)	116 to 119	165 acres
	121 to 128	(66-77 hectares)
	133 to 139	
	141 to 147	

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and conditions—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government.

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year.

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ;

12. The licensee shall not give any ore-raising contract during the prospecting stage ; and

13. The area mentioned above is subject to verification after actual survey.

[No. CI 183 EPO 67.]

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY, *Under Secy*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Trimbak Rao Ghantoji, Commission Agent, Gulbarga.

Award of the Labour Court, Hubli—Published.
Read the following papers:—

(1) Letter No. 1286/67-68, dated 31st August 1967, from Sri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Date: 31st August 1967.

Reference (ID) (LCH) No. 75 of 1966.

Present :

Sri Syed Azizuddin Ahmed, M.A., B.L.

Presiding Officer.

Between :

The Workmen of Trimbak Rao Ghantoji, Commission Agent, Gulbarga represented by the Secretary, Gumasta Sangh, Gulbarga. ... *I Party.*

and

The Management Trimbak Rao Ghantoji, Commission Agent, Gulbarga. ... *II Party.*

This is a reference U/s 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore, in their Order No. 512 LLD 66, dated 29th November 1966. The points of dispute referred for adjudication are as under :

1. Whether Sri Bhimanappa *alias* Arjungi an ex-employee of Sri Trimbak Rao, Ghantoji, Merchants and Commission Agents, Gulbarga is entitled for reinstatement with back wages and continuity of service or service gratuity, notice pay, leave salary and overtime allowance from the said management?
2. If not, for what other benefits he is entitled to?

2. The cause of the aggrieved workman has been sponsored and espoused by The Gumasta Sangh, Gulbarga, represented by its Secretary. Sri Sidramappa, Secretary appeared for the I Party while Sri Trimbak Rao Ghantoji, Proprietor himself appeared for the II Party. In response to the notices issued by the Court,

the parties have filed their claim statement and counter statement dated 21st December 1966 and 7th January 1967 respectively.

3. The sum and substance of the claim statement is that Sri Bhimanappa *alias* Arjungi, the aggrieved workman was working with the II Party for over a period of two years on a salary of Rs. 170 p.m. He maintained spotless record of service. The II Party removed him from service from Deepavali, 1965-66 for no fault. He is, therefore, entitled for reinstatement in service with full backwages and other monetary reliefs to which he is legally entitled. A sum of Rs. 120 is claimed in respect of gratuity and alike sum in lieu of one month's notice pay, Rs. 720 towards over-time and leave wages for 86 days at Rs. 144.

4. The stand of the II Party is that the aggrieved workman left the job of his own accord. He has not done any over-time work. He is not entitled to any of the monetary benefits detailed in the claim statement. In addition to the points of dispute, specified in the order of reference, the following additional issue was raised.

Whether the II Party proves that the workman Sri Bhimanappa left the job of his own will?

The parties examined two witnesses each and closed their cases.

FINDINGS

5. The most important point that arises for determination in this reference is whether the aggrieved workman was removed from service by the II Party or did he leave the service of the II Party of his own accord. Sri Gurushantappa M. W. 1 deposed that he used to visit the shop of the II Party in connection with business transactions. Sri Bhimanappa had left the service of the II Party of his own accord. The II Party had told him that the aggrieved workman is leaving the job and they later also said that he is leaving the job because the II Party was not raising his salary. This took place about one eight months back. Sri Siddaram, M. W. 2 deposed that the aggrieved workman had left the service of the II Party of his own accord. At that time, the proprietor had sent for him. The aggrieved workman had told him that he would give up the job. The proprietor also had told him that the workman was giving up the job. Bheemappa W.W.1 is none other than the aggrieved workman. He deposed that he used to go to

the shop of the II Party at 10 a.m. and work till 12-00 mid-night. He asked the proprietor to increase the pay, whereupon, he replied that his services were no longer required. He admits that M.W.1 and M.W.2 used to visit the shop of the II Party now and then but they were not present at the time when he asked for increase in his pay. He admits that he is now working temporarily with Kanappa Margol. Channappa, W.W.2 deposed that himself and Bheemappa worked with the II Party. Himself was an accountant. Bheemappa asked Trimbak Rao, the proprietor to increase his salary, whereupon, he replied that he would not increase his salary and that he may give up his job.

6. The point is, which of the two versions is to be believed. I have, before me, the statement of the aggrieved workman that he used to work in the shop of the proprietor from 10-00 a.m. till 12-00 mid-night. He had asked for increase in his pay and the proprietor had denied him the increase. Naturally, he was disgusted with the job and decided to give it up and accordingly, gave it up. Later on, he appears to have changed his mind under some extraneous influence and wants to make up a case that the proprietor had removed him from service for no reason and that he is entitled for reinstatement and for monetary benefits. There is nothing on record to suggest that there was any gratuity scheme in the II Party management. There is nothing to show that the proprietor had asked him to work over-time and he had done it accordingly. There is nothing on record to show that he is entitled for leave salary. Besides, leave salary is a benefit to be enjoyed and not to be encashed. The additional issue is decided in favour of the II Party. An natural corollary to my finding on the additional issue, the points of dispute specified in the order of reference stand decided against the workman.

AWARD

Sri Bhimanappa *alias* Arjungi is not entitled for reinstatement with back wages and continuity of service, or service gratuity, notice pay, leave salary and over-time allowance from the II Party, the Management of Trimbak Rao Ghantoji, Commission Agent, Gulbarga. He is not entitled to any other benefits. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED
Presiding Officer,
Labour Court, Hubli

Place : Hubli.
Date : 31-8-1967.

ANNEXURE

Reference (ID) (LCH) No. 75/1966.

Witnesses examined for I Party.

W.W. 1 Bheemappa S/o Chandappa
W.W. 2 Channappa S/o Basappa

Witnesses examined for II Party.

M.W. 1 Gurushantappa S/o Channabasappa
M.W. 2 Siddaram S/o Bakkappa

Documents marked for I Party.

Nil

Documents for marked II Party.

Nil

Place: Hubli
Date: 31-8-1967.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ORDER

Bangalore, dated 8th September 1967.

S. G. 1782.—WHEREAS by State Government Order No. LMA 512 LLD 66, dated 29th November 1966, the Industrial Dispute between the workmen and the Management of Trimbak Rao Ghantoji, Commission Agent, Gulbarga was referred to the Labour Court, Hubli for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above, in the Mysore Gazette.

(No. LMA 512 LLD:66)

By Order and in the name of the Governor of Mysore,

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the workmen and the Management of Gokak Mills Ltd., Gokak Falls, Belgaum District.

Award of the Industrial Tribunal, Bangalore—published.

Read the following papers :

(i) Letter No. I.T. No. 842-48/67-68, dated 24th August 1967 from Shri A. Panchakshariah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE,
BANGALORE

• Dated 22nd August 1967

Present

Sri A. Panchakshariah, B.A. (HONS.), LL.B.

—*Presiding Officer.*

First Party—

Workmen of Gokak Mills, Gokak Falls, Belgaum District.

Vs.

Second Party—

Management of Gokak Mills, Ltd., Gokak Falls, Belgaum District.

Appearances

For I Party—

I(a) Party—Sri K. P. Sachindranath, Vice-President, I.N.T.U.C., Bangalore.

I(b) Party—Sri K. T. Sule, Advocate, Bombay.

I (c) Party—Sri M. N. Dharwadkar, Advocate, Belgaum.

For II Party—

Sri P. K. Rele of Crawford Bayley & Company, Bombay.

Reference

G.O. No. PLM 459 LLD 65, Bangalore, dated 19th February 1966.

AWARD

Whether the Gokak Girni Rashtriya Mazdoor Sangh, Gokak Falls, Belgaum District, are justified in demanding Dearness Allowance of every employee to be raised and made equal to the D.A. given at Sholapur on the basis of the cost of living index with effect from 1st January 1965? If not, to what quantum of increase or relief are the employees entitled? Is the dispute referred to this tribunal for adjudication by the Government of Mysore in their Order No. PLM 459 LLD 65, dated 19th February 1966. The I Party is the Gokak Girni Rashtriya Mazdoor Sangh, Gokak Falls. It is represented by its General Secretary Sri B. S. Gard. The II Party is the Management of Gokak Mills, Ltd., Gokak Falls, Belgaum District. The case of the I Party workmen is that the existing D.A. for the workers of the II Party was fixed by an award of the Industrial Court, Bombay, in reference No. I. C. 82 of 1949. This award was passed consequent on a settlement arrived at between the I Party and II Party. By the terms of this award, it was agreed to accept the Sholapur cost of living index to ascertain the quantum of D.A. to be paid. The rate was agreed as Rs. 1.25 per point rise per worker per day, over August 1939 Sholapur Working Class Cost of Living Index No. 73. On arithmetical calculations, this comes to 71.42 per cent of the Sholapur rate of D.A. This Award was effective from 1st February 1950. This rate of D.A. which was fixed by the award consequent on this settlement remains the same even till to-day and for the last 16 years, though the cost of living has gone up very very high, the rate of D.A. has not been revised. It is submitted by the I Party that in almost all the industries where the rate was lower than Sholapur; it was raised equal to or near to the Sholapur rate of D.A. long back. But so far as the II Party is concerned, it has

not viewed the labour question with sympathy. The II Party has been making huge profits and as such it should have devoted some attention to the welfare of the workmen, but it has not done so, with the result there was an agitation by the employees of the Mill for more wages and increased D.A. The I Party terminated the award in the month of October 1964 by issuing a Notice to the II Party and demanded more D.A. There was no response by the II Party and the I Party again issued another notice dated 2nd January 1965 placing before the management the case for revision of D.A. But the management did not view this with sympathy. Even before the Conciliator, the management adopted the same attitude. Therefore, the proceedings of the Conciliator failed and on a report by the Conciliator under Section 12 (4) of the Industrial Disputes Act, 1947, the Government of Mysore purporting to act under Section 10(1) (d) of the Industrial Disputes Act, have referred the present dispute for adjudication to this tribunal. In justification of the demand for enhanced D.A., the I Party workmen contend that the basic wage and D.A. of the workers of this company were fixed as far back as 1950. Thereafter, there had been no revision at all. All attempts made in this behalf were nipped in the bud by the Management. The basic minimum wage is fixed at Rs. 21.12 and D.A. at 71.42 per cent of the Sholapur D.A. The only rise given to the workmen was that recommended by the Central Wage Board in 1960, i.e., Rs. 6 and Rs. 2. The minimum basic wage in the neighbouring area, viz., Sangli, Miraj and Madhavanagar is Rs. 24 per month excluding the wage board rise. The D.A. given in these parts is at 92 per cent of the Sholapur D.A. The I Party has also given an idea of the capital reserve, Profit and Loss Account and the amount invested by these Sangli, Madhavanagar Mills. The I Party has also given the spindlage and the loomage of these various mills and a comparative figure with regard to this Mill also given. On the score that the wages paid to the workers at Gokak Falls by the II Party are very low and on the score that the D.A. paid to them is not sufficient to neutralise the cost of living, the present demand has been made.

2. As against this, the II Party has filed the counter statement in the course of which the II Party took some preliminary objections with regard to the maintainability of the demand for D.A. Arguments were heard at great length on the preliminary objections and a ruling is given by me over-ruling the objections

raised by the II Party. It is therefore unnecessary for me to detail those objections here. With regard to the merits of the claim, the II Party has admitted that the rate of D.A. for the workers of this company was fixed by an award of the Industrial Court, Bombay, in Reference No. I.C. 82 of 1949 and even now, the terms of this settlement govern the parties. The II Party also admits that the rate of D.A. then agreed was at Rs. 1.25 paise per point rise per day over the August 1939 Sholapur cost of living index Number, which was 73. This revised rate of D.A. was brought into effect from 1st February 1960 and at that time, the Sholapur Working Class Cost of Living Index was 298 and the workers of the company have been receiving D.A. at the fluctuating rate depending upon the Sholapur Cost of Living index number. In 1950, the D.A. worked out at Rs. 1.46 per day whereas at the present moment when the living index number of Sholapur is 512, the D.A. per day per worker works out to Rs. 2.86 per day. The II Party contends that in 1950, the average basic wage of the Gokak Mills worker was Rs. 23.85 per month whereas to-day the average wage is Rs. 36.15 paise. In 1950 there were only 2,700 workers whereas to-day the total complement of the mill is 5,500 to 6,000. In spite of this increase in number the production has not improved significantly. D.A. being an integral part of the total wage paid to the employees, the demand for increased D.A. in isolation cannot be considered without taking into consideration the totality of the wages including the fringe benefits. The II Party contends that the total wages paid to the employees at Gokak Mills including the fringe benefits are fair and adequate. It was for the first time on 16-7-1964 this Sangh terminated the award of 1950 and made a demand for D.A. on the basis of Sholapur D.A. which was very vague and could not be answered by the II Party. The II Party has denied the statement of the I Party regarding the unsatisfactory furnishing of the colonies to the 1,400 workers. Similarly, it has also denied that the canteen is not satisfactorily working. The II Party also denies that this company has been linked with Sangli, Miraj, Madhavanagar area by the previous tribunals. However, the II Party admits that it is true that the rate of D.A. at Sholapur is 1.25 paise per point per day whereas at Gokak, it is only 1.25 paise per point per day. The neutralisation percentage so far as Gokak is concerned is entirely wrong. The neutralisation percentage in the case of Gokak workers comes to 58.4 per cent and not 47.61 per cent as claimed by the I Party. The II Party contends that in the year 1950 when the I Party

was the representative and approved union, with its enormous bargaining capacity and with open eyes entered into a settlement over the quantum of D.A. with the company when the financial position of the company was very much similar as it is now and inspite of that the I Party accepted neutralisation percentage at 58.4 per cent solely for the reason that the cost of living at Gokak was very much cheaper. Regarding the financial position, the II Party submits that the I Party has not given a true account of the financial position of the II Party. Though the financial position of the II Party is quite sound, the company is not in a position to meet all the demands raised by the I Party workmen. The II Party admits of the rise in prices of the essential commodities and this is in keeping with the general trend of increase in prices all over the country and there is nothing special or abnormal in the increase of prices at Gokak Falls. Further, it is submitted that when a settlement regarding the rate of D.A. had been reached by the Sangha in 1950 when the Sholapur Working Class Cost of Living Index was 298, it is not open to the I Party to re-agitate the matter and claim more D.A., because the cost of living at Sholapur to-day has shot up to 512. In view of the fact that after 1956 Gokak has been merged with the Mysore State, any comparison with the Sholapur cost of living index is not permitted. Finally, the Company has stated that the total emoluments which the workers of Gokak Mills are getting are fair and if anything, are on the higher side. Besides they are also getting reasonable bonus every year. With regard to the claim for retrospective effect being given, the II Party submits that the demand of the I Party in this behalf is unreasonable, unjust and untenable. In short, the II Party contends that there is no case for revision of the D.A., much less for giving retrospective effect.

3. A Reply has been filed by the Gokak Girni Rashtriya Mazdoor Sangh affirming the allegations in the claim statement. It is also contended that the present wages of the employees of Gokak Mills were fixed in 1949 based on the prices then prevailing in the locality. Since then the prices of various commodities have registered nearly 200 to 300 per cent rise and the company has not done anything to increase either the wages or the D.A. That itself is sufficient to justify the claim for revision of D.A. In most of the industries including the textile industries the wage scales and the D.A. have undergone considerable changes keeping pace with the rise in the cost of living index, but the

company has not fallen in line with any of these companies nor with the Sholapur cost of living index. The Mills at Sholapur have revised the rate of D.A. and therefore the demand for revision of D.A. for the Workers of the II Party is maintainable and this is a change of circumstances. Assuming that the present rate of D.A. is Rs. 2.86 per day, it neutralises hardly 50 per cent of the cost of living index. It has been repeatedly held that even the loss-making companies should pay 66 $\frac{2}{3}$ per cent neutralisation to meet the requirements of the working class. In 1950 when the cost of living index was 298, the workmen were getting 23.85 whereas the cost of living index to-day is 512 against which the company is paying only 36.15 rupees towards D.A. to its workmen. Even on arithmetical calculations this neutralisation comes to Rs. 41 per month as against which the II Party is paying Rs. 36.15 only. In short, the I Party has contended that in view of the change of circumstances and the rise in the cost of living day by day, the employees' D.A. may be brought on par with the Sholapur rate of D.A.

4. On 4th November 1966, the Secretary of the Mazdoor Sabha filed an application under Section 18(3) (b) and requested that the Mazdoor Sabha may also be made a party to these proceedings. On 23rd January 1967, the I Party agreed that this Mazdoor Sabha may be joined as I Party if the said Mazdoor Sabha did not put up a case contrary to what the I Party had put in. On 23rd January 1967, the Belgaum District Kamgar Union, Gokak, appeared through its President Sri M. N. Dharwadkar and submitted that Union may also be made a party to this dispute on condition that it did not rise a case counter to the one put forward by the I Party. Both the Mazdoor Sabha and the Kamgar Union were made parties along with the I Party. The II Party had no objection for these Unions being made parties to this dispute. After the close of arguments, one more Union filed an application through its Secretary, Desai, to be added as a party along with the I Party i.e., the Textile Labour Union, Gokak Falls, supported by an affidavit. This Union has no fresh case to advance than the one already advanced by the I Party. In order to resolve the dispute once for all between the employer and the employees of the II Party, this Union was also made a party. Accordingly there are four unions which are added as I Party. The first of these four unions is Gokak Girni Rashtriya Mazdoor Sangh,

Gokak Falls, which has raised this dispute, the second is Mazdoor Sabha represented by Sri H. M. Peerzade, Secretary and the third is the Belgaum District Kamgar Union, Gokak, represented by its President Sri M. N. Dharwadkar and the 4th is the Textile Labour Union, Gokak Falls. Both the latter parties adopted the case put forward by the Gokak Girni Rashtriya Mazdoor Sangh. Issues were framed on 1st March 1967 in addition to the points of dispute in the Reference. The II Party addressed arguments on the preliminary issues (1) and (2) i.e., with regard to the maintainability of this Reference. Orders were pronounced on these issues by me on 8th June 1967 overruling the objections raised by the II Party. Thereafter, the case proceeded on merits. The I Party viz., Gokak Girni Rashtriya Mazdoor Sangh examined two witnesses i.e., the President of the Union and another Clerk in the II Party Mill. The Mazdoor Sabha examined H. M. Peerzade who is also the Clerk under the II Party and closed its case. The II Party examined its Labour Welfare Officer on 15th July 1967 and closed the case.

5. Only two points arise for consideration in this case. The first point is whether the I Party has established the change of circumstances so as to necessitate the revision of D.A. I am not here concerned with the question of fixation of the wage or its revision. That question will be considered only while considering the justifiability for revision of D.A. and how far the D.A. should neutralise the deficiency in wages and the cost of living index. The 2nd point that would arise for consideration is the financial capacity of the II Party to bear the additional financial burden after the scheme of D.A. is to be revised on the basis of the Sholapur cost of living index. It is admitted by the II Party that so far as the wages of its employees are concerned, they were fixed as far back as 1950. Similarly, it is admitted that even the D.A. scheme was introduced in 1950 by means of a settlement which has resulted in an award in Reference No. I.C. 82 of 1949 by the Industrial Court, Bombay. For the first time in the history of this Mill, D.A. came to be introduced in 1950 as per Ex. M1 (a). Clauses (2) and (3) of Ex. M1 are relevant for this purpose. According to this it is agreed that :—

“ the workers will be paid D.A. at the rate of 1.25 paise
per point per worker per day over the August 1939

Sholapur Working Class Cost of Living Index No. 73. The quantum of D.A. payable for a particular month will be based on the index number during the previous month. The payment of D.A. on the basis set out in the above clauses will be made to workers with effect from 1st February 1950 ”.

In considering the justifiability of the claim for revision of D.A. made by the workmen, it would be necessary to show the relative position with regard to these employees' right from 1937. This history will be necessary because according to the Settlement of 1950 the parties have sought to depend upon the Sholapur Cost of living index and it is on that basis of calculations have been made in the award of 1950.

6. It is only in the year 1956 from 1st November that Gokak came within the fold of Mysore State. Before that it was part of the Bombay Province and this Mill itself was a member of the Bombay Textile Mill Owners' Association. This Mill was started in 1887 and since then has grown up to its present stature step by step. (To begin with, there were only 2,000 and odd employees and at the present moment, there are nearly 6,000 employees. There are two Mills manufacturing only yarn and producing and supplying yarn to the Tire Manufacturers in the country and huge quantities to foreign countries. Both the Mills are in one and the same compound. One can undoubtedly say that the Mills are the leading exporters of yarn to foreign countries and this mill is one of the oldest and most prosperous mills in India. The cheap labour that was available and is even now available at Gokak was in no small measure responsible for the prosperity of the Company. Ever since the company started it has continuously been working without any breaks or without any loss whatsoever. In the year 1937, there was a break in the working of the textile industry in Bombay Presidency very often and this was due to low wage structure and unhealthy and poor service conditions, etc. In order to remedy this, the Government of Bombay constituted in 1937 a committee known as the Textile Labour Advisory Committee. This Textile Enquiry Committee visited various mills in the Presidency to have the first hand information regarding the working conditions, amenities, welfare activities and wage structure of the workers. It was found out at that time that the II Party Mills at Gokak was paying the same

wages or a little more than what the Sholapur Mills were paying to their workers. In some cases, the wages came up to what the Bombay Mills were paying. Before this Committee the workers of the II Party Mills gave evidence and the management also gave evidence. In 1937 there were no Unions at Gokak. The Committee also found out that the wage structure in so far as tenters, grinders and other categories of Sholapur Mill was higher than what it was in Gokak. The committee also found out that in the matter of efficiency and out-put, the employees of the II Party in no way were inferior to those of the Sholapur Mills. At that time lowest paid worker at Gokak was hardly getting Rs. 10 per month and this was so till 1949. The Textile Enquiry Committee after making a detailed study of the conditions of labour, the amenities, etc., of all the Mills of the Bombay Presidency recommended that minimum wage of Rs. 22 per month be paid to each employee and this was in the year 1940. As the Mills in Bombay and Sholapur followed up the recommendations of the Textile Enquiry Committee. So far as the Sholapur workers are concerned, the committee recommended a minimum wage of Rs. 27 per month while for Belgaum, it fixed Rs. 22. Though the Committee recommended Rs. 22 as the minimum wage as early as 1940, the II Party did not give effect to it until 1949 when it made a pretence of having given effect to the recommendations of the Textile Enquiry Committee. One peculiar feature of the textile industry is that the employees are not given any increments in their scale of pay. They start and retire on the same pay with the result the employees of the Gokak Mills got nothing from 1937 right up to 1949. It was in the year 1949 that the Union came into existence and the workers agitated for enhanced wages. Some-how or other, the parties came to a settlement in the year 1949 with regard to the wages. The wages however were not fixed on any standardised scale as it was in Bombay and Sholapur. However, a new rate of wage came to force on 1st April 1949 and that rate is still in force though in other Mills in the State of Bombay there have been two or three revisions. This is one circumstance which necessitates a revision in the scheme of D.A. because the wage of 1950 will not carry the employee anywhere, particularly having regard to enormous rise in the cost of living. In the course of evidence, the Labour Officer who has been examined by the II Party, admits that the cost of living and the prices of food commodities have gone beyond the capacity of even the well-paid officer like himself. When

that is so what about a poor worker getting only Rs. 22 as his wage. The workers in the textile industry at Bombay agitated for fixation of minimum wages in the year 1947. The Full Bench of the Industrial Court constituted under the Bombay Industrial Regulations Act, 1946, consisting of eminent judges, gave an award which is reported in the Industrial Court Reporter 1946-47 determining Rs. 30 as the minimum wage per month on the cost of living index then prevailing. Page 393 of the Industrial Court Reporter of 1946-47 will make this point very clear. The same Industrial Court also directed that textile mills should pay D.A. at the rate of 1.09 pies per point per day over 100 points which came into force in April 1947 and the award was published in the Industrial Court Reporter 1948 at page 47. In addition to this, the textile mills at Bombay agreed for standardisation of various jobs based on several factors. Pursuant to this agreement, standardisation has been scientifically determined in 1947. This scheme has been improved from time to time based on several factors such as modernisation of machineries and improvement in production, *vide* award published in Industrial Court Reporter 1946-47 at page 410. So far as Sholapur is concerned, the Court directed the Mills to pay minimum wage of Rs. 26 per month in 1939 in addition to 1.75 per point per day over and above 100 points. This award came into force on 1st January 1947. When all this took place in the neighbouring mills, nothing happened in the II Party Mills though the conditions prevailing at Gokak are very much the same as those prevailing at Sholapur. This was also due to the fact that till 1947 there was no Union at Gokak and even if there was one, it was a puppet in the hands of the II Party with practically no bargaining capacity. Therefore, the workmen started the I Party Union in 1948. The I Party submitted demands for proper wage scales and a scheme for D.A. In so far as the efficiency of the workers in other places like Bombay and Sholapur is concerned, it is and it was on a par with workers of the II Party Mills and this fact has been accepted *vide* Industrial Court Reporter 1948 at page 476. As a result of the agitation by the I Party, the Mills agreed to pay D.A. at the rate of 1.25 pies per point per day based on the cost of living index of Sholapur. This was necessitated because no cost of living index was prepared by the Government of Bombay to Gokak, and even now the Mysore Government has also not prepared the cost of living so far as Gokak is concerned. But one may say having regard

to the common mode of living of all these workers the cost of living is the same throughout the country. May be, there is some slight change from place to place. That is exactly the reason why both the II Party and the I Party selected in 1950 the Sholapur Cost of living as the guiding factor to determine the rate of D.A. Since there have been no changes in the Sholapur to take Sholapur out of the category so far as Gokak is concerned. Any way as per the award of 1950, Ex. M1 (a) it is clear that both the parties agreed that the Sholapur cost of living index should be guiding factor and the D.A. for Gokak workers is to be fixed on the cost of living index prevailing at Sholapur. The employees of the Gokak Mills practically got nothing by the settlement of 1950 because after the said the grain concession was withdrawn. The benefit which the workers would get from the grain concesscion would be almost equal to the D.A. which they would get. The result is that to-day an employee in the Gokak Mills is getting as basic salary Rs. 21.12 and D.A. of Rs. 88 *plus* Rs. 8 concession given by the Textile Wage Board, in all an employee of this II Party Mills is getting Rs. 117.12 per month, whereas his counter part in Sholapur, under similar circumstances is drawing Rs. 160 per month. So far as the employees of Sangli are concerned, the evidence is that employee is getting a basic wage of Rs. 24, D.A. of Rs. 115, *plus* Rs. 8 concession which will come to Rs. 147 per month. From this it is clear that the employee of the Gokak Mills is the least paid both in the matter of wages as well as in the matter of D.A., though it is in evidence that in the matter of efficiency, the worker under the II Party is in no way inferior to the worker in the above two places and though it is also in evidence that the conditions of living, both at Sholapur, Sangli and Madhavanagar and Gokak are almost the same. From Ex. W-12, which is an award passed by the Industrial Court, Bombay, on 27th June 1950, the wages of these employees of the II Party were fixed by means of a settlement. I have pointed out above that the D.A. was fixed according to the award of 1950 under Ex. M1 and since then there has been no change. The only change if at all, is the allowance of Rs. 6 *plus* Rs. 2 given by the Textile Wage Board in 1960 and 1962 was the addition to the source of income of the employees. In addition to this, the employees of the Gokak Mills got Rs. 4 and odd by way of D.A. as a result of the rectification of the cost of living index number by the

Lakkadwala Committee appointed by the Maharashtra Government. That is all the improvement in the financial position of the Gokak Mills employees. It is seen that in 1950, at the time of the Settlement of the D.A. the cost of living index was 263 and basing on this cost of living index of 263, the settlement was arrived at. In 1960 the cost of living index was 357, in 1964 it was 446 and to-day the cost of living index is 596. There has therefore been steady increase in the cost of living index. Although the textile mills in the cities like Bombay, Ahmedabad and Sholapur, increased the rates of standardised wages from time to time, the Gokak Mills did not fall in line with these Mills with the result the worker drawing the wages in 1950 continued to draw the same wages in 1967 also. Assuming that Rs. 22.12 is the total wages on the cost of living index of 100 to-day, cent per cent neutralisation should be Rs. 143 as subsistence wage. Rs. 22.12 cannot be the proper minimum wage to neutralise 100 points in 1950. Now, coming near home, the cost of living index in Mysore State, it was 316 in 1960 and now it is 740 per month. In 1960 it was 439. As per the cost of living index of Mysore State, the minimum wages on 100 points in 1950 was Rs. 22.12. On the cost of living index of 439, it should have been Rs. 97.78, but the Mills paid only Rs. 67 per month in 1960. Similarly at the present cost of living at 740 per month, the mill should be called upon to pay Rs. 163.75 per month. But the Mills are actually paying Rs. 117 per month. This fully justifies the contentions of the workmen that there has been a change in the circumstances since the last two decades and that the prices have gone up to the skies.

7. On this point both the President of the I Party Union and the other two witnesses who have been examined, have spoken to the rise in the cost of living and also the prices in the Bazaar. Y. S. Arbhavi, President of the I Party Union has sworn that in the year 1950, the Union entered into a settlement with regard to the D.A., with the II Party. He swears that in 1950 prices of food articles were very very low and from 1950 there has been a gradual rise in prices of food stuffs. Ex. W-1 is the statement prepared by the witness on the basis of the enquiries he made in Gokak Town with the shop owners. He swears that the prices are going up higher and higher every week and since April 1967 the prices have gone beyond control. His

evidence is that he enquired the prices of food stuffs from every shop owner at Gokak. The D.A. that is now paid to the employees is far too low when compared to the prices of to-day. There are no Government Societies to supply foodgrains at controlled rates. The prices of oil, milk, mutton and all other food articles including cloth, have gone up very high. The witness has been cross examined by the II Party but the evidence of this witness is fully supported by the evidence of the witnesses examined by the company. The 2nd witness, viz., Gundiah also speaks to the rise in the cost of living and the prices of food stuffs. He is one of the employees and he is feeling the pinch of the rise in prices. Another employee Mr. Peerzade has also examined himself. He filed an Affidavit Ex. W-2 and he has been cross examined by the company. He has filed a price list of food articles both at Gokak and Gokak Falls. These are exhibits W-3, W-4, W-5 and W-6. He has also filed Exhibits W7, W8, W9 and W10 to show the D.A. paid to Sholapur employees from 1964 to 1967. Ex. W11 is the prosperity chart of Gokak Mills from 1962 to 1966. In Ex. W-3 to W-6, the witness has also described the qualities of food stuffs as 'A' and 'B'. 'A' stands for inferior quality and 'B' for slightly better quality. This witness has also been examined by the II Party. One thing is certain from the evidence of these two witnesses and that is the price of food stuffs have gone up 1 to 10 times. Similarly, even the prices of cloth and stitching charges have gone up. I have pointed out above that the cost of living index in 1950 was 263 and to-day it is 956. That speaks for itself.

8. Taking the evidence of the witness examined by the company, his evidence fully supports the case of the Union in regard to the rise in the cost of living. His evidence is that in 1950 the Mills entered into a settlement on wage scale which came into effect from 1st April 1949. He admits that these scales of 1949 are still in force with the addition of Rs. 6 and Rs. 2 given by the Wage Board for the Textile Industry. He also admits that as per para 10 of Ex. W2 the concession shown in the matter of supply of foodgrains at prewar rates to the employees was withdrawn with effect from 1st April 1949. He also admits that the wages fixed as per Ex. W12 were not based on scientifically method and the rates were not fixed by the Assessors. Further, he admits that the Wage Board has not determined the scales mentioned in Ex. W12 but the wage rates

in Ex. W12 are as a result of negotiations between the Sangha and the Mills. Similarly with regard to Ex. M-1 it has been passed as a result of a settlement. Even as per Ex. M1 the concession with regard to the supply of foodgrains at pre-war rates has been withdrawn. Finally the witness admits that from 1949 there has been no change in the rate of D.A. paid to the employees and it had remained the same as it was in 1949. He admits that in 1953 the Industrial Court revised the D.A. of Bombay workers and the Labour Appellate Tribunal revised this scheme in 1955 enhancing the rate of D.A. These rates are not given to the workers of the II Party Mills. He further admits that from 1960 to 1964 the II Party has not paid any increased D.A. though according to the recommendations of the Lakkadawala Committee a mistake had been committed in the preparation of the cost of living index figure. The witness also knows that the textile workers at Sholapur get 1.75 paise per point rise over 73 for every employee every day, whereas the II Party Mills is paying only 1.25 paise per point rise over 73 points per day. He also admits that the wage scales at Sholapur was fixed as the standardisation award in 1947. According to him a textile worker in Sholapur to-day is getting Rs. 135 per month as D.A. over the Sholapur cost of living of 1956 whereas for the same cost of living index of 596 the II Party is paying only Rs. 88 per month as D.A. He admits that the distance between Gokak and Sangli is only 60 miles though of course, he does not know if the distance between Gokak and Sholapur by road is less than by the train route. He admits that for Gokak area there is no centre for preparing the cost of living index and the nearest place naturally should be Sholapur, for which the Maharashtra Government have prepared the cost of living. Finally he admits that the cost of living of various commodities have gone up very high from 1950 particularly from 1950 and 1963 the prices of the various food articles have shot up year by year. Further he admits that the prices of cloth and the charges for stitching also have gone up very high. So much so even he is feeling the pinch. Considering these circumstances there can be no doubt whatsoever that the I Party has established beyond doubt the change of circumstances which necessitate the revision of D.A.

9. Now coming to the other benefits which are known as fringe benefits, they are hardly worth mentioning. It is possible that the rise in the cost of living may be compensated to some

extent by providing the workmen with other benefits such as free housing, subsidies canteen facilities, medical aid and other amenities. The evidence of the witnesses for the II Party clearly establishes the fact that for 6,000 employees there are only 1,400 most ill-furnished quarters. It is suggested that there is only one room for a tenement the size of which, the Labour Officer is not in a position to give. Even these rooms are not well ventilated. He admits that these quarters have no water supply and sanitation. Besides 6,000 workers are called upon to occupy 1,400 quarters though the Mills have recovered the cost of the buildings long long ago, the Mills, have not constructed any quarters for these 6,000 workers. Therefore the housing facilities can be hardly to be said to compensate the workmen to any extent. Regarding the supply of foodgrains to the workmen, the witness for the II Party admits that there is no Fair Price Shop for the workmen. There is what is known as a Consumer Society in the Mills which purchases articles in the open market and sells them to the workers probably at the same price as in the bazaar. The Management hardly spends Rs. 500 per year to maintain this Consumer Society. There is no credit facility for the employees to get food stuffs on credit. Regarding the canteen facilities the evidence of the witness for the II Party is that there are about 13 employees working in the canteen by shifts and it is admitted by him that in the first shift about 2,400 employees will be working and in the 2nd shift 1,600 to 1,700 while in the third shift about 1,100 to 1,200 workers will be working. There are no cooks in the Canteen and these 13 employees who work by shifts in the canteen only prepare tea. It is very difficult to believe the evidence of this witness when he says that in the first shift these employees of the Canteen go to very place where the workers will be working to supply them tea and snacks. Admittedly there are no trolleys for carrying tea and snacks. He further admits that in the 2nd and third shifts the employees are not supplied tea and snacks at the place where they work. It is suggested and in fact it is proved by the I Party that there are hardly half a dozen cups and saucers in this canteen and no eatables are supplied to the workers. This goes to show that the management has only made a pretext of maintaining a canteen which is no canteen at all. As regards the medical facilities also, the same condition is to be seen. There are 3 doctors in the dispensary paid by the Mills. There are three Male compounders. Out of the three doctors one is a lady doctor. In addition to the three doctors there are three

nurses. No special drugs are supplied. The employees of the Mills do not get Sick leave. There is no Surgeon in this hospital and the workers are not given any food whenever they are inpatients in the hospitals. About 6,000 cards are registered with the Mill doctors. The medical benefits are extended to the members of the family of the workers. The witness for the II Party admits that on an average about 18,000 individuals will be in charge of these three doctors. He is not in a position to tell if the Mills have purchased any special drugs. It is thus clear that even in regard to the medical facilities there is not much to be desired.

10. With regard to the Educational facilities the same is the position. There is no free education to the children of the employees of the Mills. There is only Primary Schools in the Mills Colony where there are more than 1,300 students. There are 27 teachers. In addition the Mill gets grant from the Government for running this school. The Education Board wanted to take over this school but the II Party has refused to hand over this school to the Board. Except for the Primary School education the Mills do not help the students for higher studies. No books are supplied to the students of the Primary School and there is no system of free feeding to the children in the afternoon. No stationery or uniforms are given to the School children. After the Primary education the children will have to go to the Middle and High School either to Gokak Town or to Maradimutt. No English School is run by the Mills. The Mills have theatres to exhibit films. There are no clubs for recreation of the workers. Only English and Hindi pictures are exhibited in the Open Air Theatre. From the evidence of the witness for the II Party it is clear that the employees of this Mill are not getting any substantial benefit on account of the various heads mentioned above so as to relieve them to some extent. Therefore that is another circumstance which necessitates a revision of the D.A.

11. Having established that there is a case for revision of D.A., one has to consider as to how far this revision can be given effect to and to what extent this benefit can be given to the workers and on what basis it should be given. While doing so it would be necessary to consider the financial capacity of the company to meet the additional burden that would be cast on account of revision of the D.A. There can be no doubt that

this Gokak Mills stands by itself and there cannot be any comparison with any neighbouring mill whatsoever both in the matter of spindlage and in the matter of the number of employees and in the matter of capital invested and the reserves built up and the profits earned and are being earned. It has a spindlage capacity as admitted by the witness for the management of 75,000 and is employing 6,000 people which perhaps no mill anywhere in the neighbourhood is having that capacity. The I Party has given in the claim statement para 4, the details of the capital invested, Reserves built up, profits earned, etc., of the II Party as well as the Mills at Madhavanagar and Sangli. These facts have not been denied in the counter statement. From the evidence of the witnesses for the II Party and from the various documents which I am going presently to refer, it is undoubtedly clear that the II Party has the required financial capacity. The yarn which it prepares is sold like hot cakes both within and outside the country. The capital for the year 1960 was Rs. 48,80,000, Reserve Rs. 45,45,073, the profits for the year 1960 are Rs. 48,45,148. From 1960 onwards it has gone on steadily increasing. In 1964 the capital had grown up to Rs. 73,21,500 and the Reserve had been built up to Rs. 99,82,332 and the profit for 1964 was Rs. 59,40,119. These figures are culled out from the company's balance sheets which are marked as Exhibits M-18, M-19, M-14, M-15, M-16 and M-17. There is not a single year right from the start of the Mill in which the Mill has sustained a loss. Ex. M-7 is a document prepared by the II Party and produced to court. This will very clearly show the financial position of the working of the company right from 1954 to 1966. As per the entries in Ex. M-7 the total paid up capital for 1954 was Rs. 48,81,000 while the Reserve excluding Development Rebate was Rs. 33,91,000. The Gross Profit for 1954 is shown as Rs. 14,52,219. In 1965 which is the relevant year for the purpose of this case, the total paid-up capital was Rs. 73,21,500 while in 1966 it had amounted up to Rs. 87,85,800. the reserve for 1965 was Rs. 1,01,59,349. For 1966 the paid up capital was Rs. 87,85,800 and the Reserves for the same year is Rs. 1,47,54,870. The Gross Profits for 1965 is Rs. 31,36,165 while for 1966 the gross profit is Rs. 61,71,340. Right from 1954 to 1966, why as for that matter ever since the company started working, it has gone on making huge profits and for the purpose of this case it is the gross profits that will have to be taken into consideration while assessing the financial burden that may be imposed on the II Party. The Management has filed

certain exhibits to defeat the rights of the workmen for enhanced D.A. Those exhibits are Ex. M-2 series to show the relative position of the workers in other textile mills named in Ex. M-2. It is contended that none of the mills mentioned in Ex. M-2 are paying higher wage than the II Party. For Gokak Mills the minimum basic wage is Rs. 29.12, merged portion of D.A. is Rs. 31.61, D.A. is Rs. 56.94 and the total wage which the employee gets is Rs. 117.67. Sri Siddeshwara Textile Mill, Davangere, is shown to be paying Rs. 35.10 including the merged D.A. and Rs. 26.10 D.A. *i.e.* this Mill is paying only Rs. 61.20. Sri Shankara Textile Mill, Davangere, is shown to be paying Rs. 34.80 as basic wage and merged D.A. *plus* Rs. 55.12 as D.A. and in all Rs. 89.96. The Davangere Municipality pays Rs. 97 out of which Rs. 50 is the basic wage and Rs. 47 is the D.A. Mysore Kiloskar is paying Rs. 26 basic wage and Rs. 60 D.A., in all Rs. 86. In Davangere Cotton Mills, the basic wages is Rs. 90.53 of which the D.A. is Rs. 54.47. So also Sri Ganesh Textile Mills, Davangere is shown to be paying only Rs. 63.87 of which Rs. 19.12 is the D.A. Chandriah Mills of Nandi, Nargund, are also cited as examples. It is contended on the basis of these statements that so many of these Mills are paying far less than what is being paid by the II Party Mills and therefore there is no reason for revising the D.A. to the employees of the II Party. The I Party has stated in the claim statement that the textile mills at Sangli, Madhavanagar, though with a much smaller capital and smaller equipment are paying much higher D.A. to its employees. In fact the evidence is that the employees at Sangli as being paid Rs. 145 per month, *i.e.*, Rs. 24 *plus* Rs. 8 *plus* Rs. 113 D.A. as wages. In Sholapur the employees are paid Rs. 26 as basic wage *plus* Rs. 8 *plus* Rs. 125 D.A., the total comes to Rs. 159 per month. The witness for the management admits that the distance between Gokak and Davangere is 339 Kms. His evidence is that the distance between Gokak and Sholapur is 547 Kms. by Rail. He does not know if the distance between the two by road is less than 250 miles. It was argued by Mr. Rele who appeared for the Management, that industry-cum-region should be the basis while fixing the rate of wages or D.A. and nothing should be done to fix a greater or higher scale of D.A. beyond the capacity of the Mills as this would lead to industrial unrest. The employees at places where they are paid less would naturally try to flow to places where higher wages and higher D.A. are paid. In regard to the statement Ex. M-2, the witness for the

management has given his evidence. His evidence is that he does not know when the three textile mills at Davangere which are shown in Ex. M-2 were started. He also does not know how much each of these three mills have invested as paid up capital. He cannot say how many workers have been employed by each one of these mills. He is not in a position to say how many shifts these mills are working. He did not make enquiries with those mills about the shift working, nor did he make any enquiry about the total capital invested by these mills and the total reserves built up and whether these mills are making any profits or loss he is not in a position to say. Similarly in Ex. M-3 he is not able to say as to when these mills were started and what capital they had invested and what is reserves built up and what is the total gross profits or net profits these companies are making. What is the percentage of dividends declared by any of these mills he is not in a position to give any details. He is not in a position to tell the tribunal if these companies are having any shift system. He is unable to say as to what profit each company shown in Exs. M-2 and M-3, is making or has made for the past 5 years. Admittedly Siddeswar Company at Hubli is not a textile mill, but it is manufacturing furniture. Similarly Sundatta Mill shown in Ex. M-3 is not manufacturing any cotton fabrics but it is manufacturing cotton seed oil and soaps. Hubli-Dharwar Corporation is not a manufacturing body, much less does it manufacture cloth. Similarly the Kirloskar, Hubli, are not manufacturing any textile fabrics. He has also named certain companies in Ex. M-4. He has not enquired the capital structure of any of the industries mentioned in Ex. M-4, nor has he enquired about the prosperity or otherwise of any of these mills. He has not also enquired as to how many workers are working in these industries. Therefore it would be futile to compare the conditions prevailing in the companies mentioned in Exs. M-2, M-3 and M-4 with those that are prevailing in the II Party mills. The II Party also cannot be compared with the Mills at Sangli which are after all mercantile companies. The Supreme Court has laid down certain principles as to what industries are comparable concerns for such purposes. Their Lordships of the Supreme Court observe in 1962 (I) LLJ 287 in the case between the Remington Rand and its workmen

“Regard must be had to the extent of business carried on by the said Company and the profits made by it and the nature of its business. It may also be necessary

to consider the standing of the company and the strength of its labour force as well as the wage structure prevailing in the company”.

This Gokak Mill is perhaps the oldest one in the country and most prosperous one. As such other mills cannot be compared with it. The total spindlage of all the mill at Sangli will not come to 9,000 and the total capital invested by these company is hardly about 8 to 10 lakhs while the II Party's total capital is roughly about a crore of rupees with a reserve of Rs. 1,37,00,000, with a spindlage capacity of 75,000, employing as many as 6,000 people. Therefore one cannot very well say that from the point of view of region-cum-industry, Gokak Mills stands by itself. It was argued by Mr. Rele for the II Party that Sholapur is outside the Mysore State and politically therefore Gokak being within Mysore area, cannot be compared with Sholapur. This argument is open to two fallacies. One is, in these matters there cannot be any such political region and even if there should be one, the mills at Bangalore will have to be compared with the Gokak Mills, if political region is to be taken into consideration. From the beginning Gokak was in Bombay State up to 1956 and in fact the Gokak Mills was a member of the Bombay Mill Owners' Association and even now it is so. Moreover, the settlement that was arrived at in 1950 looked to the Sholapur cost of living index. Merely because Gokak has now come within the fold of Mysore State, it cannot be said that the Gokak Mill should not be compared with the textile mill at Sholapur. Formerly for the entire Southern Bombay, Sholapur was considered to be the region for these purposes. That way also this Gokak Mill comes nearer to Sholapur than to any other place nearby. I have also pointed out above that the mills shown in Exts. M-2 and M-3 cannot be compared with that of the II Party Mills for there is no reason as to when these mills were started, what is their working capital, what is their reserve, what is their spindlage capacity and how many employees they employ. The Gokak Mills may very well be compared with the Binny Mills at Bangalore which also employs 6,000 employees and pays 0.20 paise per point rise. It can also be compared to the K. R. Mills, Mysore which also pays 0.20 paise per point rise. It is therefore clear that the II Party Mills does possess the required capacity to pay the D.A. asked for by the employees.

12. The next point of importance is to consider as to what would be the financial burden if the demand of the workmen is

conceded or is granted. The Management has filed Exhibits M-5, M-6, M-7, M-8 and M-9 to show what would be the burden if the demand of the workers is granted. In this connection the company has also examined the Labour Officer whose evidence is not at all helpful to the company. His evidence is that the information contained in Ex. M-5 shows that the employees have worked for 240 days. He has prepared Ex. M-5 from the Muster Rolls. Similarly he has copied Ex. M-6 from the Muster Rolls. According to him both Exts. M-5 and M-6 show the actual number of days worked by the employees of the Mill in 1965 as well as in 1966. M-8 is also prepared by him. At the rate of Rs. 1.05 pies per point the total D.A. comes to Rs. 71.76 per month for 26 days. At the rate of Rs. 1.75 pies per day it comes to Rs. 100.50 per month of 26 working days. For the year 1965 the actual financial burden according to him would be Rs. 20,44,437 on the basis of the Sholapur D.A. The difference between the D.A. of Sholapur and that of the Gokak Mill is 0.50 pies per point per day. In 1965 he admits from Ex. M-5 that only 654 employees have worked for 240 days. According to his calculations the burden would be Rs. 1,62,748. He admits that the financial burden will have to be calculated for the year 1965 on taking into consideration the actual number of days the employees would have worked. He also admits that he has not done this. He has not done this in showing the financial burden for all the three years shown in Ex. M-8. All pay sheets in the Muster Rolls were available to him for all these three years, viz., 1965, 1966 and 1967. In 1966 there was a lay off for 4 days but knowing this, he has taken 312 days as the working days. Even in 1967 there was a lay off for 4 days up to April and 2 days subsequently. Knowing this he has taken 312 days for 1967 as the number of working days. He finally admits that it is true that without ascertaining the actual number of days the worker has worked he has calculated for 1967 from January to June 1967 at Rs. 10,78,000. Finally the burden which he has described in Ex. M-8 according to him is only an ideal burden and not a factual burden. From this one admission it is sufficient that no weight can be given to the statement of additional burden, shown in Ex. M-8. What is to be shown is only the actual burden, viz., the extent to which the company will feel out of pocket if the demand is conceded and this could be done only by taking into consideration the actual number of days on which the worker has worked. For the year 1967 the Labour Officer admits that 4,200 is the complement of permanent

workmen. There are no temporary workers but there will be 1,300 to 1,400 Badli workers and there are no casual workers. He has not found out the average number of days worked by the Badli workers for 1965-66 or 1967. According to him the average absenteeism in this mill is about 18 per cent to 19 per cent. Whenever the workers are on leave under the E.S.I. scheme, they are paid only half wages for 56 days and after that if they will absent themselves, they are not paid anything. The mill does not pay anything for the first two days of illness of the worker. According to him the average attendance per day of the inpatients among the employees may be about 300 or more per day. From these admissions it is clear that no value can be attached to the statement prepared by this witness in Ex. M-8. It does not show the actual burden which the company has to shoulder in case the demand is granted. I have calculated the burden and from this it is clear that the II Party witness has inflated the figure presuming that all the 6,000 workers work during the year 1965-66 and throughout the six months in 1967. In fact if the actual working of each worker in 1965-66 and 1967 is taken as per Exhibits M-5 and M-6, the total burden for the year 1965 will be about 7 lakhs as against 20 lakhs shown by the witness. This burden is negligible if one takes the profits made by the company for the year 1965 which is Rs. 31,36,155. It is only in 1965 that the profits of the Company have been decreased while in all the years prior to 1965 the average gross profits are roughly 60 lakhs each year and for 1966 it is Rs. 61,71,340. Taking also the sales into consideration in the year 1954, they amounted to Rs. 1,89,83,973 while in the year 1966 the total sales amounted to Rs. 5,80,44,314. The Company has been able to declare a dividend of 14 per cent. This is a very correct picture of the capacity of the II Party to meet the demands of the I Party workmen. There can be no two opinions that the burden on account of the additional D.A. to be paid will not be more than 7 to 8 lakhs of rupees per year on an average and this is nothing when compared to the profits made by the company each year. It is therefore clear that the I Party workmen are entitled to a revision of the D.A. which was fixed in 1950.

13. It was argued by Mr. Rele that the matter has been completed by the award in the year 1950 which is based on the settlement arrived at between the two parties. This amounts to *res judicata*. My answer to this is the observations of their

Lordships of the Supreme Court in 1962 (I) LLJ 287. The following are the observations :—

“ The decision of industrial disputes in a large number of matters may not easily admit application of all the technical implications of the doctrine of *Res judicata*. Hence the demand made by the workmen in 1958 in the instant case for revision of rates of D.A. fixed under the terms of a settlement between the parties reached in the year 1958 and the subsequent reference of the said dispute for adjudication in 1959 could not be held barred by *Res judicata*. In the instant case, in view of the improvement in the financial position of the company subsequent to this settlement and the considerable increase in the cost of living subsequent to this settlement will also justify the demands for revision of the rate of D.A. fixed under the settlement. From the mere fact that the settlement provided for a clause for increase in D.A. with the rise in the cost of living index, it cannot be contended that the scheme fixed under the settlement should be allowed to remain in force for all the time. It is quite conceivable that if the cost of living shows a tendency of rise very high, the workmen would be entitled to pray that there should be a change in the rate of D.A. basically fixed in order to allow them more neutralisation and such a demand cannot be rejected without examining its merits solely on the ground that because a provision is made for adjustment from time to time the scheme to remain in force for all the time and cannot be reopened or re-examined.”

14. Once again it was argued by the II Party that the appointment of the Second Wage Board is a bar for the determination of the proper D.A. This point has already been dealt with by me while considering the legal issues and I once again say that there cannot be any such bar.

15. Only one point remains to be considered and that is the retrospective effect which is urged by the I Party workmen. In this connection Exhibits M-10 and M-11 are important. Ex. M-10 is a Notice issued by the President of the Gini Rashtriya Mazdoor Sangh, Gokak Falls, to the Mills Manager on 16th July

1964. By this Notice the President of the Sangh has informed the Mills General Manager that the agreement regarding the D.A. which was arrived at in 1950 was cancelled and it has been terminated because of the change of circumstances. By the same notice the Union has demanded payment of D.A. on the basis of the Sholapur cost of living index. For this no reply is given by the Mills. This fact is admitted by the witness for the Management. When the II Party did not reply to Ex. M-10 the I Party put forth the demands before the II Party by another notice of demand dated 22nd October 1964 as per Ex. M-11. Under Ex. M-11 the Union claimed D.A. to every employee to be raised and made equal to the D.A. given at Sholapur on the basis of the cost of living index and this demand was to be considered from 16th September 1964. Even to this no reply was given, by the Mills to the Union. Finally on 1st January 1965 again the Union raised the same demand for D.A. by means of Ex. M-12. Seeing that the II Party adopted a strict attitude, the conciliation also failed. Ex. M-13 is the Conciliation Report. Thereafter the Failure Report was submitted to the Government by the Assistant Labour Commissioner and the Government have referred this matter for adjudication by their order dated 19th February 1966. The Union has demanded that the II Party has not done anything in the meanwhile and therefore the D.A. should be given on the Sholapur Model with retrospective effect. The counsel for the II Party has argued that the company was not bound to reply to the notice or answer the demand of the I Party and therefore no retrospective effect should be given. In a similar case their Lordships of the Supreme Court have observed in 1964 (I) LLJ Page 342 at 350 as follows :—

“ The next question is about the so called retrospective effect to the award. The first Reference was made to the tribunal on 8th April 1959 while the last was in December 1959. What the tribunal has done is to grant wage scales etc., from first of April 1959. This cannot, in our opinion be said to be retrospective because it is practically from the date of the first Reference ”

From the principles laid down in this decision it is seen that the tribunal will be practically justified if the demands of the workmen are granted from the date of the demand. In the instant case the Union submitted the demand in the month of October 1964 and subsequently by Ex. M-12 it followed up the demand

on 1st January 1965. The attitude of the company was a total disregard for the demand of the Union. The company did not even have the courtesy to reply to the two notices, much less put forward alternative proposal. From the above circumstances I am therefore of the opinion that the I Party workmen have fully established their case for revision of D.A. on the model of the Sholapur cost of living index. They have also made out a case for retrospective effect being given to this demand.

16. In the result I pass an award holding that the employees of the Gokak Mills, Gokak Falls, are entitled to D.A. with effect from 1st January 1965 at the rate of D.A. that is paid to the Sholapur Mill employees as indicated above.

17. In the result I hold that the Gokak Girni Rashtriya Mazdoor Sangh, Gokak Falls, is justified in demanding D.A. to every employee of the Gokak Mills to be raised and made equal to the D.A. given in Sholapur on the basis of the cost of living index, and this will be with effect from 1st January 1965. I pass an award accordingly.

18. In the circumstances of the case, the II Party is directed to pay a sum of Rs. 500 (Rupees five hundred only) to the I Party Sangh towards costs.

A. PANCHAKSHARAIAN,
Presiding Officer,
Industrial Tribunal.
 22—8—67.

ORDER

Bangalore, dated the 28th August 1967.

S.O. 1783. WHEREAS by State Government Order No. PLM 459 LLD 65, dated 19th February 1966, the Industrial Dispute between the workmen and the Management of Gokak Mill Ltd., Gokak Falls, Belgaum District, was referred to the Industrial Tribunal, Bangalore, for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act. 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said Award as above, in the *Mysore Gazette*.

[No. PLM 459 LLD 65.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
*Under Secretary to Government,
Food, Civil Supplies and Labour
Department.*

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 14th September 1967.

S. O 1784.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Sahyadri College, Shimoga to the Mysore University for teaching the following Courses:—

(i) Pre-University:—History, Economics, Music.

(ii) B. A. Degree (First year):—

Kannada, Sanskrit (Majors) History, (Minor) Political Science, Economics (Major), Sociology (Minor) Sanskrit, Sociology (Majors) Philosophy (Minor).

(iii) B. A. Degree (Third Year):—

Sanskrit Sociology (Majors), Philosophy (Minor).

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 66 UAC 67.]

By Order and in the name of the Governor of Mysore,

1067

S. N. SREENATH, *Under Secretary.*

NOTIFICATION

Bangalore, dated the 14th September 1967.

S. O. 1785.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act 1949 (Bombay XX of 1949), the Government of Mysore are pleased to sanction continuation of affiliation of the J. S. S. S. K. Gubbi Science College Dharwar to the Karnatak University for teaching the following courses:

- (i) Pre-University Science and B. Sc., Part I
- (ii) B. Sc., Part II and III with

Major: Chemistry and Physics.

Minor: Physics, Mathematics and Zoology for a period of three years from June 1967 subject to the conditions laid down by the Karnatak University.

[No. ED 64 UAC 67.]

By Order and in the name of the Governor of Mysore,

1068

S. N. SREENATH, *Under Secy.*

NOTIFICATION

Bangalore, dated the 14th September 1967

S. O. 1786.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957 the Government of Mysore are pleased to sanction temporary affiliation of the Government Medical College, Mysore to the Mysore University to run the post-graduate Diploma Course in E.N.T. with an intake of 2 students for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 67 UAC 67.]

By Order and in the name of the Governor of Mysore,

1069

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 18th September 1967.

S. O. 17-7—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the J.S.S. College of Commerce and Science, Mysore to the Mysore University, for teaching;

(i) Pre-University (Commerce) Economics, Geography, Commerce 64 students).

(ii) Pre-University (Science) Physics, Chemistry, Mathematics (2 sections of 64 students each) Physics, Chemistry, Biology (2 sections of 64 students).

(iii) B. Sc., Degree (First and Second Years). Physics, Mathematics (Majors), Chemistry (Minor) 36 students. Physics, Chemistry (Majors), Mathematics (Minor) 36 students. Botany, Zoology (Majors), Chemistry (Minor) 60 students. and extension of affiliation to the Third Year B. Sc., Degree course with the same combinations and fresh affiliation to run the B. Com., Degree Course (First Year) with an intake of 64 students for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

(No ED 28 UAC 67.)

By Order and in the name of the Governor of Mysore,

1070

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, Dated 14th September 1967.

S. O. 1788.—In exercise of the powers conferred under sub-section 3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Government College, Chikmagalur to the Mysore University for teaching the following courses:—

(i) B. A. Degree (First Year):—

History, Economics (Majors) Kannada (Minor)

History, Kannada (Majors) Political Science
(Minor)

Economics, Sociology (Majors) Political Science
(Minor)

History, Economics (Majors) Sociology (Minor)

History, Kannada (Majors) Sociology (Minor)

(ii) B.A. Degree (Second Year):—

History, Kannada (Majors) Political Science
(Minor)

(iii) B. A. Degree (Third Year):—

Economics, Sociology (Majors) Political Science
(Minor) i

(iv) B. Sc. (All the three years):—

Physics, Mathematics (Majors), Chemistry
(Minor)

16 students for the I year, 32 students for the II and III years

and fresh affiliation to run the following courses :—

- (i) Pre-university (Science)
Physics, Chemistry, Biology (32 students)
- (ii) B.Com. Degree (First Year)
- (iii) B. Sc. Degree (First Year)
Physics, Chemistry (Majors) Mathematics
(Minor) (16 students)

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 65 UAC 67.]

By Order and in the name of the Governor of Mysore,

1176

S. N. SREENATH, *Under Secretary.*

NOTIFICATION.

Bangalore, dated the 14th September 1967.

S.O 1789.—In exercise of the powers conferred under Sub section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Vidyo-daya Law College, Tumkur to the Mysore University, to run the F.L. and B.L. Classes with a maximum intake of 80 students for both F.L. and B.L. Classes for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 52 UAO 67.]

By order and in the name of the Governor of Mysore,

1079

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated the 13th September 1967.

S.O. 1790.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the P.E.S. National College, Gowribidanur to the Mysore University, for teaching the following courses :

- | | |
|--|--|
| (i) Pre-University (Science)
Physics, Chemistry, Mathematics | (2 Sections of
72 students each) |
| (ii) B.Sc. Degree (I and II Years)
Physics, Chemistry (Majors)
Mathematics (Minor)
Physics, Mathematics
(Majors) Chemistry (Minor) | } Total intake of
96 students. |

and extension of affiliation for teaching B.Sc., Final Year Class with Physics, Mathematics and Physics, Chemistry (Majors) for a period of one year from June 1967 subject to the conditions laid down by the local Inquiry Committee.

[No. ED 58 UAC 67.]

By Order and in the name of the Governor of Mysore .

1078

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore, dated 14th September 1967.

S. O. 1791.—In exercise of the powers conferred under sub-Section (3) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction permanent affiliation of Shri Poornaprajna College, Udipi to the Mysore University, with effect from 1967-68 for teaching B.A., Degree Course (All the three years with English, Economics (Major) History (Minor) continuation of affiliation for teaching (i) Pre-University (Science) Physics, Chemistry, Mathematics (One Section 72 students) Physics, Chemistry Biology (Ond Section 72 students) (ii) B.Sc., Degree (First and Second Years)

(Physics, Chemistry (Major) Mathematics (Minor)	36 students
Botany, Zoology (Major) Chemistry (Minor)	

and extension of affiliation for the BSC., Degree Third Year with the same combinations for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 51 UAC 67.]

By Order and in the name of the Governor of Mysore,

•1071

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore datrd the 14th September 1967.

S. O. 1792.—In exercise of the powers conferred under sub-section (3) of Section 32 of the Karnatak University Act, 1949 (Bombay XX of 1949), the Government of Mysore are pleased to sanction extension of affiliation of the Dr. A. V. Baliga College of Arts and Science, Kumta to the Karnatak University, for teaching Psychology as Major and Marathi as Minor subjects at B.A., Parts II and III courses for a period of three years from June 1967 subject to the conditions laid down by the Karanatak University.

[No. ED 49 UAC 67.]

By Order and in the name of the Governor of Mysore,

1072

S. N. SREENATH, *Under Secy.*

NOTIFICATION.

Bangalore dated 14th—15th September 1967.

S. O. 1793.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment), Act 1957, the Government of Mysore are pleased to sanction continuance of affiliation of the Maharani's College for Women, Mysore to the Mysore University to run the B.A., Degree Course (First Year), with the following combinations:—

Psychology, Political Science (Majors), Kannada or Hindi (Minor),

Sanskrit, Political Science (Majors), Sociology (Minor),
History, Political Science (Majors), Economics (Minor)
Economics, Political Science (Majors), History (Minor),
Sociology, Political Science (Majors), Psychology (Minor)
Sociology, Political Science (Majors), Kannada or Hindi (Minor),

History, English (Majors), Sociology (Minor),

Psychology, Economics (Majors), Kannada (Minor),

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 69 UAC 67.]

By Order and in the name of the Governor of Mysore,

1073

S. N. SREENATH, *Under Secy.*

FINANCIAL SECRETARIAT.

NOTIFICATION.

Bangalore, dated 19th September 1967.

S. O. 1794.—In exercise of the powers conferred by sub-rule(2) of Rule 1 of the Mysore Sales Tax (2nd Amendment) Rules, 1967, the Government of Mysore hereby appoints the first day of October 1967 as the date on which the said Rules shall come into force.

[No. FD 312 CSL 67.]

By Order and in the name of the Governor of Mysore,

1099

SYED GULAM KHAJA, *Under Secy.*

PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT
UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the management of Mysore Chemicals and Fertilizers, Ltd., Belagola, Mysore.

Award of the Industrial Tribunal, Bangalore, published.

Read the following papers.—

(i) Letter No. I.T. No. 859-60/67-68, dated 28th August 1967 from Shri A. Panchakshariah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE,
BANGALORE.

Dated 28th August 1967.

PRESENT :

Sri A. Panchakshariah, B.A. (HONS.) LL.B., .. Presiding Officer.

I.D. No. 153 of 1966.

Workers of Mysore Chemicals and Fertilizers, Ltd., Belagola,
Mysore *First Party.*

Vs.

Management of Mysore Chemicals and Fertilizers, Ltd., Belagola,
Mysore *Second Party.*

APPEARANCES.

For I (a) Party.—Sri G. K. Ramaswamy, Secretary, Mysore Chemicals and Fertilizers Staff Association, Belagola and Sri A. Venkateshiah, Advocate, Mysore.

For I (b) Party.—Sri A. Subramanya Iyer, M.C.F. Labour Association, Belagola, Mysore.

For II Party.—Sri M. N. Mahanta Devaru, Advocate, Mysore.

REFERENCE.

G.O. No. LMA 659 LLD 65, Bangalore, dated 24th August 1966.

AWARD

In this case two points have been referred for adjudication by this Tribunal. One is with regard to House Rent Allowance at the rate of 10 per cent of the Basic Salary or Rs. 10 whichever is higher, with effect from 1st April 1965. The Second point of dispute is in regard to minimum bonus for the year 1963-64. Both these points have been raised by the Staff Members of the M.C.F. Ltd., Belagola. The Staff Association of the M. C. F. raised these two demands with the Second Party and conciliation proceedings were held on 18th October 1965 and 13th November 1965. Consequent on the failure of the conciliation proceedings the Assistant Labour Commissioner and Conciliation Officer, Mysore Division, sent his report to the Government and the Government in turn have referred this dispute under Section 10(1) (d) of the Industrial Disputes Act, 1947, by their Order No. LMA 659 LLD 65, dated 24th August 1966. The same was registered as I.D. No. 153 of 1966 and notices were issued to the parties to put in their pleadings. The First Party is known as the M.C.F. Staff Association, Mysore, represented by its President Sri A. Venkateshiah, Advocate, Mysore. The Secretary of the First Party Association is one Sri G. K. Ramaswamy and he has filed a Claim statement on behalf of the First Party. According to the case as set out by the First Party, the M.C.F. Ltd., has been in existence since 1937 and it went into production in 1939. The Working Capital of the Second Party is about a crore of rupees at the present moment. The company has about 180 daily rated workmen and 140 monthly rated workmen including Officers. For these 320 workers only about 100 workmen have been provided with quarters at Belagola where the factory is situated. The Office of the factory is at Mysore which is about 4 to 5 miles from Belagola. Out of the total of 320 workers, 32 are working at the Registered Office at Mysore including the Secretary. Both the Factory Manager and the Secretary are provided with quarters. The Company is managed by a Board of Directors whose Chairman is a Government Officer and two other directors are nominated by the Government. Six other directors are elected. The Secretary of this company is also a Joint Officer by the Government.

2. In view of the fact that the Company has not provided quarters to all its workmen, the I Party claims House Rent Allowance at 10 per cent of the basic salary or Rs. 10 whichever is higher. With regard to the demand for Bonus, the I Party workmen contend that the Company is bound to pay the minimum bonus for the years in question. The I Party workmen therefore pray that an award be passed granting House Rent Allowance to the members of the Staff

Association at the rate of 10 per cent of basic salary or Rs. 10 whichever is higher with effect from 1st April 1965, and also to grant minimum bonus for the year 1963-64.

3. The II Party is represented by the Factory Manager Sri Krishna Murthy. In reply to the Claim Statement, the II Party has said that the company has employed 179 workers on daily rate while 105 are monthly rated. Thirty-five workers are at the Registered Office at Mysore. In regard to providing quarters to its workers, the Company has built 87 quarters at Belagola at the Factory colony and in addition, 50 tenements have been constructed by the Mysore Housing Board on behalf of the II Party. The rent charged is only $6\frac{1}{4}$ per cent of the basic salary of the employee. The factory is situated near Belogola village and a large number of the employees come from the surrounding villages where they have houses and lands. The 137 quarters that are available at the disposal of the company are sufficient and several of the house, viz., as many as 35 to 40 are remaining vacant. There is no keen demand from the employees for houses as the tendency of the employees is more for their eagerness to remain in Mysore City which is close by. The company has not so far rejected the request of any of the employees for allotment of the living quarters at Belagola. In view of the fact that the company has provided sufficient housing accommodation to its employees, the demand for House Rent Allowance is not justified. By an amendment, the company has amended its counter statement on 7th July 1967 according to which it is contended that the company is working under a loss for the past 3 years and therefore the management is not in a position to bear this burden of House Rent Allowance. With regard to the demand for bonus for 1963-64 the Company contended that in view of the Supreme Court's decision in Civil Appeal No. 186/66, dated 5th August 1966 in *Jalan Trading Co. (P) Ltd., vs. Mill Mazdoor Union and others*, reported in 1966 (I) LLJ page 11, the demand for bonus is not tenable.

4. As the case was going on, one more Union stepped in which is represented by Sri A. Subramanya Iyer, President of the M.C.F. Labour Association. This Union adopted the claim statement and the reply statement of the M.C.F. Staff Association.

5. A replay was filed on 6th March 1967 to the Counter Statement of the II Party reiterating the allegations in the claim statement. The fact that 137 quarters are at the disposal of the factory is admitted by the I Party in their reply statement. The I Party contends that only 118 quarters are available while the remaining have been occupied by the Guest Houses, Factory Manager's Quarters, M.C.F. Club buildings and so on. It is contended by the I Party that these are all one room tenements. The I Party workmen have

also complained that drinking water facilities are not available in these quarters. The II Party has not provided other facilities like transport of children of the workers to go to schools and colleges at Mysore. The employees at the registered Office at Mysore are not at all provided with any quarters. This in brief, is the case put forward by the I parties.

6. On the basis of these pleadings two Issues had been framed on 14th March 1967 and later on, on the amended pleadings, an additional issue with regard to the financial capacity of the II Party was framed on 22nd July 1967. In the course of the trial, the I Party as also the M.C.F. Labour Association gave up the claim for bonus for 1963-64 on 6th July 1967. So much so the trial proceeded with regard to point of dispute No. 1. In support of their contentions the I Party examined the Secretary Sri G. K. Ramaswamy and closed the case, while the M.C.F. Labour Association examined Sri A. Subramanya Iyer, President of the Association. The II Party examined two witnesses, viz., the Works Manager Sri Gopala Rao and the Chief Accountant of the factory. The II Party has also produced the Balance Sheets for the years 1963-64, 1964-65 and 1965-66 and they have been marked as Exhibits M3, M4 and M5. Most of the facts are admitted by both the parties. The existence of 137 quarters and the occupation of these quarters by as many as 100 workmen is admitted and it is proved beyond doubt by the evidence of the factory manager. Further, the factory Manager has also sworn to the fact that as many as 37 to 40 quarters are vacant even now and none of the workers are coming forward to occupy these quarters. This fact is also admitted in a way by both Sri G. K. Ramaswamy and Sri Subramanya Iyer. So far as Sri Subramanya Iyer is concerned, he admits that he has been given a quarter and he has been occupying it ever since 1946. It is admitted by Sri G. K. Ramaswamy that the sulphuric plant which has gone into production since the last two years, is situated nearly a furlong away from these quarters. When that is so, the complaint of the workmen that owing to the settling of the sulphuric stack gas, these quarters are rendered useless, cannot be accepted. That these quarters provide a fair amount of accommodation is also clear from the evidence of Sri G. K. Ramaswamy. His evidence is that these quarters are one room tenements, i.e., each room consists of one living room, one verandah, one kitchen, bath room and a lavatory. Surely in these days one cannot say that the accommodation provided by these quarters is insufficient. The desire of these workmen or members of the Staff, to reside at Mysore which is close by appears to be patent. They do not want to occupy these quarters and remain at the workspot, i.e., at Belagola. Probably all of them want to remain at Mysore and claim house rent allowance rendering all these quarters useless. When Housing accommodation is provided,

I do not think the employees of any factory are entitled to House Rent Allowance also. Sri A. Venkateshiah argued for the first time without laying any foundation, that the definition of wages comes to the help of the workmen. He took me through the definition of 'wages' as defined under Sec. 2(rr). It would be worthwhile to quote the definition itself. Section 2(rr) defines wages as follows :—

“Wages mean all remuneration capable of being expressed in terms of money, which would, if the terms of employment express or implied, were fulfilled be payable to workman in respect of his employment or work done in such employment and it includes (1) such allowance including D.A. as the workmen for first time being entitled to (2) the value of any housing accommodation or of supply of light and water, medical attendance or other amenity or any service or of any concessional supply of food grains or of any other articles, (3) any travelling concession, etc.”

Sri A. Venkateshaiah cited a decision in A.I.R. 1958 Supreme Court 578 and A.I.R. 1959 S.C. 676. He went on arguing in extenso without realising that he had not contended that the wages paid to the workmen did not come up to the living standard. It is nowhere stated, either in the claim statement or in the reply of the I Party that the wages given to the workmen do not cover the living wage. Nor is there any mention in the evidence of the Secretary Sri G. K. Ramaswamy that the wages paid are such that they do not include house rent allowance. On the other hand the evidence of Sri Gopala Rao, Factory Manager, is to the effect that the wages of all the employees were revised as late as 1962 and when they were revised keeping in view of the housing accommodation also. Section 2(rr) nowhere says that separate House Rent Allowance should be given. If the wages paid are such as to include the House Rent Allowance also, that is sufficient compliance with the definition of Wages. Therefore the two authorities cited by Sri A. Venkateshaiah are not applicable to the facts of this case. No materials are placed to show that wages paid to the members of the staff are such that will not cover the housing accommodation also. There is not a whisper either in the pleadings or in the evidence of the Secretary to establish this position. In the absence of any such material one cannot go on surmising things which are not in existence. So much so the contention of Sri A. Venkateshiah cannot be accepted.

7. With regard to the second contentions, *viz.*, the financial capacity of the II Party to bear this additional burden, the II Party has examined its Accountant and has produced Exhibits M3, M4, and M5 Balance Sheets for the year 1963-64, 1964-65 and 1965-66. The capacity to bear such additional burden will have to be deter-

mined on the industry-cum-region basis. Admittedly there are a few factories in Mysore City, viz., the Java Cycle Company which is of a recent origin and Krishnarajendra Textile Mill which is a fairly well established factory. These factories are not paying any House Rent Allowance to their employees whether they are Staff Members or merely workmen doing manual labour. Similarly the employees of Java Cycle Company are not paid any House Rent Allowance. At any rate there is no evidence on the side of the I Party to show that the employees of these two factories are paid any house rent allowance. Sri G. K. Ramaswamy, in his evidence admits that the employees of the Krishnarajendra Mills, Mysore, are not paid any House Rent Allowance. So far as the employees of the Java Cycle Company are concerned, he is not aware if the employees are paid any House Rent Allowance, or not. It is the bounden duty of the I Party to have put in evidence to show that the employees of the Krishnarajendra Mills or those of the Java Cycle Co., are being paid House Rent Allowance. No such evidence is admittedly put in. Nearby there is no other industry which is on the model of the II Party. In the absence of a similar factory nearby, the I Party could have relied upon the conditions prevailing in the Krishnarajendra Mills and the Java Cycle Company. This has not been even attempted. The tendency of the workmen appears to be to reside in Mysore, and in fact, a few of them are residing in Mysore and for their sake the factory has arranged Vans to take them to the workspot daily and bring them back. This fact is admitted by Sri G. K. Ramaswamy. Even the children of the employees residing at Belagola are allowed to travel in these vans to go to schools and Colleges from Belagola to Mysore. On this account there has been no complaint whatsoever to the effect that the workers are not taken to the workspot in time, and this fact is admitted by Sri G. K. Ramaswamy. A funny reason is given by Sri G. K. Ramaswamy as to why some of the workers are residing at Mysore. The reason is that some workers have complained to him that because they are not provided with quarters at Belagola, they are residing at Mysore. This cannot be true at all. The evidence of the Factory Manager goes to show that as many as 35 to 40 quarters are vacant and the workers are not forthcoming to occupy them because they want to reside at Mysore. Even then the management has been good enough to provide sufficient means of conveyance to these workers residing at Mysore to go to Belagola and work. Ex. M1 is produced to show that in the year 1960 nearly 27 persons who are offered quarters, refused to occupy them. Consequently the conveyance allowance which was given to them was cancelled. This is a proof positive to show that the desire of the workers is more to get a few chips by way of House Rent Allowance than to occupy the quarters themselves. This can never be justified.

8. Now coming to the financial capacity of the II Party to bear the additional burden, the Chief Accountant has been examined by the II Party in addition to the evidence of the Factory Manager. Sri T. A. Lakshminarasimha Murthy is examined by the II Party. His evidence is that he has been Chief Accountant in the II Party factory from July 1963. Exhibits M3, M4 and M5 are the Balance Sheets for the years 1963-64, 1964-65 and 1965-66. For the year ending with 31st March 1964, as can be seen from Ex. M3, there was only a nominal profit of Rs. 32,741 and after deducting taxation the net profit came to only Rs. 12,822. This is considered to be a big profit in a company which has invested nearly a crore of rupees. So is the argument of Sri A. Venkateshiah. For the year ending with 31st March 1965 the witness says that there was a loss of Rs. 12,61,634 and for the year ending 31st March 1966, there is a loss of Rs. 7,71,703. Further this witness says that these accounts have been audited by the Chartered Accountants and have been accepted by the General Body of the Share-holders of which Sri A. Venkateshiah said, he is one. The accounting given here is not challenged. Being documents scrutinised by Chartered Accountants, they are certainly entitled to some weight. It is thus clear that both for the years 1965 and 1966 there has been a big loss to the II Party. The wants of the workmen must be weighed with the ability of the II Party to pay. I have pointed out above that Sri A. Venkateshiah has failed to establish that the wages paid to the workmen fall below the living wage and therefore the argument advanced by him, *viz.*, the theory that an institution which cannot pay for the minimum requirements of its workmen has no right to exist, cannot be unqualifiedly accepted.

9. Having regard to the evidence of the Factory Manager and the Chief Accountant and considering Exhibits M3, M4 and M5, I am of the opinion that the II Party is not in a position to meet the additional burden to any extent. The additional burden with regard to these 35 Staff Members, if the House Rent Allowance is granted at the rate claimed by them, would come to nearly Rs. 25,000 per year and it does not stop at that. If the staff members are given House Rent Allowance, the remaining workmen who do not want to occupy the quarters, will also claim similar allowance and no discrimination can be made in these matters in the industrial undertaking. Admittedly the II Party has done its very best to put up nearly 140 quarters to its workmen and is doing its best to help those workmen who are residing at Mysore in the matter of conveyance to them and to their children. In any view of the case the II Party's financial position is such that it has no capacity to bear this additional burden.

10. In the result the reference is rejected. Under the circumstances, each party will bear its own costs.

A. PANCHAKSHARIAH,

*Presiding Officer,
Industrial Tribunal.*

28th August 1967.

ORDER

Bangalore, dated the 31st August 1967.

S.O. 1795 Whereas by State Government Order No. LMA 659 LLD 65, dated 24th August 1966 the Industrial Dispute between the Workmen and the Management of Mysore Chemicals and Fertilizers, Ltd., Belagola, Mysore, was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 659 LLD 65.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,

*Under Secretary to Government,
Food, Civil Supplies and Labour Department.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute :—Industrial Dispute between the Workmen and the Management of M/s. Canara Public Conveyance Co. Ltd., Mangalore.

Award of the Labour Court, Hubli—Published.
Read the following papers :

(i) Letter No. . 1209/67-68, dated 17th August 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 17th August 1967.

Reference (I D) (LCH) No. 83 of 1966

Present :

Shri Syed Azizuddin Ahmed. M. A., B. L., *Presiding Officer.*

Between :

The Workmen of M/s. Canara Public Conveyance Co., Ltd., Mangalore represented by The Secretary, Karnataka Automobile & Engineering Workers Union, Mangalore ... *I Party.*

And.

The Management, M/s. Canara Public Conveyance Co. Ltd., Mangalore ... *II Party.*

This is a reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No LMA 602 LLD 66, dated 26th December 1966. The points of dispute referred for adjudication are as under.—

- I. Are the Management of Canara Public Conveyance Co., Ltd., Mangalore, justified in dismissing Sri Hamon Godfred Soans, with effect from 5th May 1966?
- II. If not, is he entitled to reinstatement with full back wages?
- III. If not, to what other reliefs is the worker entitled?

2. The cause of the aggrieved workman has been sponsored and espoused by The Karnatak Automobile Engineering Workers

Union, Mangalore through its Secretay. Sri T. P. Rao appeared for the I Party while Sri K. S. Rao, President of the General Managements' Association, Mangalore appeared for the II Party. In response to the notices issued by the Court, the parties have filed their pleadings, dated nil-January 1967 and 27th January 1967 respectively.

3. The case of the I Party is that the aggrieved workman Sri Hamon Godfred Soans was working with the II Party as a garage helper from 1962 onwards on a daily wage of Rs. 3-14. He discharged his duties faithfully and without any blemish. On 5th May 1966 the workman received an order from the management stating that he has been dismissed from service. The enquiry which was held in this behalf was against law and the principles of natural justice and vitiated by material irregularities. The findings of the management are perverse. The dismissal amounts to his victimisation. It was prayed that the management be directed to reinstate the workman with continuity of service and with full back wages.

4. The management contested the claim. It was pleaded interalia that the secretary of the union has no right to represent the workmen of the management and as such there is no industrial dispute as defined U/s 2 (k) of the Industrial Disputes Act, 1947. The management served a show cause notice dated 30th March 1966, calling upon the aggrieved workman to explain why suitable action should not be taken against him for his habitual absence without leave as contemplated under the Standing Orders No. 18 (3) (d) of the company. The delinquent workman gave his explanation dated 5th April 1966 and the same was found unsatisfactory. Therefore, an enquiry was held in this regard. It was held with due notice to the workman and he took part in the same. The enquiry was held according to the accepted principles of natural justice and the delinquent was given all the facilities to defend himself. The witness in support of the charge was examined in his presence and he was given an opportunity to cross-examine the witness. He also gave his own statement at the enquiry. On receipt of the report from the enquiry officer and after perusing the relevent records, the management came to the conclusion that the charge was proved against him and they dismissed him from service in view of the seriousness of the charge. It was prayed that the reference be dismissed with costs upholding the contention of the management. At the time of hearing Sri K. S. Rao stated that he would not press the preliminary objection taken in the Counter Statement. He further stated that the

management sticks-up to the proceedings of the domestic enquiry. The points of dispute specified in the order of reference were adopted as issues in the case.

FINDINGS

5. The parties have submitted the relevant documents in their possession. Sri K. S. Rao, the learned representative of the management took me in detail through the proceedings of the domestic enquiry. Ex. M-1, dated 30th March 1966 is the show-cause notice-cum.charge sheet issued against the workman. A peep into this document discloses that he has been charge-sheeted for habitual absence without leave under the Standing Orders No. 18 (3) (d) of the company. During the period between April 1965 to 25th March 1966 his absence amounts to 107½ days and absence without obtaining leave or prior sanction amounts to 56½ days. During the entire period he was present for duty only for 154 days. Ex. M-2, dated 5th April 1966 is the explanation of the delinquent. Herein he has admitted that sometimes he had submitted his leave applications after availing the leave. Ex. M-3, dated 12th April 1966 is the notice of enquiry. Ex. M-4 is the statement of Sri Vittal Rao, garage clerk of the II Party. In his statement the witness has stated in detail that the delinquent was absent during this period without submitting leave applications for 56½ days and was absent on leave for 107½ days and he was present in all for 154 days. In his statement Ex. M-4 (a) the delinquent has admitted that he was absent without leave for 56½ days and on leave for 107½ days. It is not as though he was ignorant of the company's rules. He admits that he knows about the rules of attendance. In view of his admissions he declined to lead evidence in defence. The enquiry officer submitted his findings as per Ex. M-5. Thereupon, the competent authority passed the impugned order of dismissal. The I Party has filed three show-cause notices and the explanation given by the workman to the management. They have been marked as Exs. W-1 to W-4. The learned representative of the management submitted that the delinquent has admitted his absence without leave for 56½ days and absence on leave for 107½ days. His total attendance for the year is only for 154 days. No management worth the name can savour with equanimity of mind such irregular attendance on the part of the workmen. Should the workmen indulge in such absence, there would be dislocation in the work of the company and the work work would suffer. Sri T. P. Rao, the

learned representative of the I Party argued with reference to a ruling reported in 1967 (1) LLJ page 378 that the management cannot reopen the charge relating to absence when his earlier explanation was accepted and the absence was condoned. In the ruling referred to above, it has been observed.

"Having regard to the circumstances in which earlier proceedings were terminated, it was not within the competency of the disciplinary authority to examine those charges a Second time in 1964 when the discontinuance of the first proceeding was the outcome of the acceptance of the explanation."

Sri K. S. Rao replied that this ruling is distinguishable on facts. Ex. W-1 relates to the absence of the delinquent for the period from 6th December 1965 to 14th December 1965, Ex. W-2 relates to the period from 23rd February 1966 to 25th February 1966 and Ex. W-3 relates to the period from 12th March 1966 to 17th March 1966. These proceedings were not with reference to the specific charge of habitual absence without leave under the Standing Orders 18 (3) (d) of the company. I hold that the ruling referred to by the learned representative of the I Party is not on all fours with the facts of the reference in hand. The entire question revolves round the fact whether this Court should interfere with the finding of the enquiry officer. In this connection I would do well to refer to the erudite observations of Justice Kumarayya of Andhra Pradesh High Court reported in 1967 (2) LLJ page 80/82.

"The general principle is beyond doubt. The broad proposition I entertain no doubt about and it seems to be the only question that properly arises here, is as to the competence of the Labour Court to sit in judgment as a Court of appeal on the findings reached by the domestic forum. It is too late in the day to contend as if it were doubtful that where the enquiry was fair and proper, the Labour Court can yet review the evidence recorded by the domestic forum and interfere with the finding reached by it (domestic forum). By competent authority including that of the Supreme Court it has been told that in cases of dismissal for misconduct where domestic enquiry has been properly held, the Labour Court does not act as a Court of appeal and substitute its own judgment or that of the management. Undoubtedly, the management of the

concern has full powers to be in control of its own internal administration and discipline. This power, however, is not unrestricted and when a dispute arises, which is an industrial in nature, the Labour Courts have powers to see whether the termination of workman is justified and grant appropriate relief. This power will be exercised only when it is clear that the management do not act in good faith had been guilty of victimisation or unfair labour practice or in the enquiry held there has been violation of the principles of natural justice or there is no material to support the order of dismissal made by them or that the conclusion reached to that effect is arbitrary, perverse and baseless."

In the instant case, the enquiry has been flawless. The delinquent has admitted his absence on leave and absence without leave. The learned representative of the I Party could not lay his finger on any defect in the domestic enquiry. From the material on record, I do not find sufficient grounds to interfere with the findings of the enquiry officer. The points of dispute are answered in favour of the II Party.

AWARD

The management of M/s. Canara Public Conveyance Co. Ltd. Mangalore is justified in dismissing Sri Hamon Godfred Soans with effect from 5th May 1966. He is not entitled to reinstatement with full back-wages. He is not entitled to any other relief. No order as to costs.

Place: Hubli

Date: 17-8-1967.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ANNEXURE

Reference (ID) (LCH) No. 83 of 1966

Witnesses examined for I Party

Nil

Witnesses examined for II Party

Nil

*Documents marked for I Party**Exhibits :*

- W—1 Show cause notice dated 14th December 1965 of the II Party
- W—2 Show cause notice dated 17th March 1966 of the II Party
- W—3 Show cause notice dated 25th February 1966 of the II Party
- W—4 Explanation dated 22nd March 1966 given by the worker to II Party

Documents marked for II Party

- M—1 Office copy of the show cause notice issued to Sri Hamon Godfred Soans bearing his acknowledgment.
- M—2 Explanations dated 5th April 1966 from Sri Hamon Godfred Soans in reply to Ex. M-1.
- M—3 Office copy of the Enquiry Notice dated 12th April 1966.
- M—4 Statement of Sri. A. Vittal Rao dated 25th March 1966.
- M—4 (a) Statement of Sri Hamon Godfred Soans dated 25th April 1966.
- M—5 Enquiry report dated 26th April 1966.
- M—6 Dismissal order dated 5th May 1966 passed against Sri Hamon Godfred Soans.

Place : Hubli.

Date : 17-8-1967.

SYED AZIZUDDIN AHMED
Presiding Officer,
Labour Court, Hubli.

ORDER

Bangalore, dated 26th August 1967.

S. O. 1796.—WHEREAS by State Government Order No. L M A 602 LLD 66, dated 26th December 1966, the Industrial Dispute between the Workmen and the Management of M/s. Canara Public Conveyance Co. Ltd., Mangalore was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947); the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 602 LLD 66.]

By Order and in the name of the Governor of Mysore,

1005

G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. V. Y. Deshpande and sons, Cloth Merchants, Khade Bazar, Belgaum.

Award of the Labour Court, Hubli—Published

Read the following papers.

(i) Letter No. 1290/67-68, dated 31st August 1967 from Shri Syed Azizuddin Ahmed Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 31st August 1967

Reference I. D. (LCH) No. 29 of 1966.

Present

Shri Syed Azizuddi Ahmed, M.A., B. L.,

Presiding Officer.

between.

The Workmen of M/s. V. Y. Deshpande and sons, Cloth Merchants, Khadebazar, Belgaum represented by the President, Belgaum Workers' Union, 1668/3, Ramling Khind, Belgaum
... *I Party*

and

The Management of M/s V.Y. Deshpande and sons, Cloth Merchants, Khadebazar, Belgaum. ... *II Party*

This is a reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No. LMA 539 LLD 65, dated 7th March 1966. The point of dispute referred for adjudication is as under:—

Whether the management of M/s. V. Y. Deshpande and sons, Cloth Merchants, Khade Bazar, Belgaum, are justified in dismissing its employees *viz.*, Syts. N. D. Gumaste, G. F. Killedar, K. R. Aste and N. M. Patil? If not, are they entitled to be reinstated with back wages or are they entitled to any other relief?

2. The cause of the aggrieved workmen has been sponsored and espoused by The Belgaum Workers Union, No. 1668/3 Ramling Khind, Belgaum represented by its Secretary. Shri R. M. Apte, President, appeared for the I Party while Sri N. S. Metrani, Advocate appeared for the II Party. In response to the notices issued by the Court, the I Party filed its claim statement, dated 20th April 1966. The Counter statement does not bear the date, but it has been received in the Court on 20th May 1966.

3. I need hardly describe the pleadings in detail for the reasons that the parties, having compromised the dispute out of Court, have filed a joint memo of settlement. In the claim statement, the I Party challenged the action of the II Party as being unjust and illegal. The II Party, in its counter-statement justified its action in terminating the services of the workmen. It further raised a plea that the present dispute is not an industrial dispute within the definition of Section 2 (k) of the Industrial Disputes Act, 1947 and that the Court has no jurisdiction to hear it. On the basis of these pleadings, in addition to the point of dispute specified in the order of reference, the following issues were raised.

- (1) Whether the present dispute is an industrial dispute within the definition of Section 2 (k) of the I. D. Act, 1947, and whether this Court has jurisdiction to hear it?
- (2) Whether the I Party proves that there has been violation of the principles of natural justice in conducting the domestic enquiries against Sri N. D. Gumaste, F. G. Killedar and K. R. Asbe?
- (3) Whether the I Party proves that the management wrongfully terminated the services of Sri N. M. Patil?
- (4) Whether the act of the II Party in terminating the services of the aggrieved workmen amounts to victimisation and unfair labour practice?

FINDINGS.

Issue No. 1 was treated as a preliminary issue of law. After hearing both sides the same was decided in favour of the I Party. When the case was taken up for further hearing at Belgaum Camp on 7th August 1967, the representatives of the parties filed a joint memo of settlement and prayed that the reference be dismissed. The parties appear to have settled their over-all disputes. The joint memo of settlement was duly verified by me. The sum and substance of the memo is that the parties have settled the dispute out of Court, and that the matter may be dismissed with no order as to costs.

AWARD

In view of the settlement of dispute out of Court, the Reference does not subsist. It is dismissed. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Place : Hubli

Dated : 31-8-1967

ORDER.

Bangalore, dated the 5th September 1967.

S. J.1797 .—WHEREAS by State Government Order No. LMA 539 LLD 65. dated 7th March 1966, the Industrial Dispute between the Workmen and the Management of M/s. V. Y. Dehapande and sons Cloth Merchants, Khade Bazar Belgaum was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS, the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 539 LLD 65.]

By Order and in the name of the Governor of Mysore.

104

G. G. PUROHIT, *Under Secy. to Govt.*
Food, Civil Supply and Labour Department.

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 11th September 1967.

S.O. 1798. --In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Iron and Manganese Ore to Messrs Canara Minerals (P) Ltd, in the following areas of the Holalkere Taluk, Chitradurga District, on the terms and conditions mentioned below :—

<i>Village.</i>	<i>S. Nos.</i>	<i>Area</i>
Lingadevarahalli	11 (part)	115 Acres 46-54 Hectares.)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions.—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation, and Development) Act, 1957, and as amended from time to time :

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957) ;

6. If any other mineral is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage;

13. The area mentioned above is subject to verification after actual survey.

[No. CI 117 EPO 67.]

By Order and in the name of the Governor of Mysore,

1054

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 14th September 1967.

S.O. 1799.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957 and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Iron ore to Messrs. Varalakshmi Mineral Trading Corporation in the following areas of the Hospet Taluk, Belary District, on the terms and conditions mentioned below:—

<i>Village</i>	<i>S.Nos.</i>	<i>Area</i>
Kallahalli	As per sketch Block I.A.	55 Acres (22-66 hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions

1. The licence shall be operative for a period of one year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14(ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting Licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically ;

12. The licensee shall not give any ore-raising contract during the prospecting stage ; and

13. The area mentioned above is subject to verification after actual survey.

[No. CI 55 EPO 67.]

By Order and in the name of the Governor of Mysore,

1081

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 14th September 1967.

S. O. 1800.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 136 EPI 66, dated 9th January 1967, sanctioning a Prospecting Licence for Manganese ore in respect of the area of 45 acres of land in Asuli village, Supa Taluk, North Kanara District in favour of Messrs. Western India Trading Company, Nanabhai Mansion, Bombay, as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 148 EPI 67.]

By Order and in the name of the Governor of Mysore,

1080

N. NARAYANASWAMY, *Under Secy.*

DEVELOPMENT, HOUSING, PANCHAYATI RAJ AND
CO-OPERATION SECRETARIAT.

ORDER

Bangalore, dated 8th September 1967.

Sub :—Shri Vanivilas Co-operative Sugar Factory Ltd., Hiriya—
Appointment of Shri L. Krishna Naik, Officer on M. A. S.
Senior Scale as Managing Director to the—

Read :—1. Government Notification No. GAD 313 SMC 67 dated the
21st August 1967 ;

2. Order No. H1/VCSF/3884/66- 7 dated the 8th September
1967 from the Registrar of Co-operative Societies in Mysore,
Bangalore.

S. O. 1801.—In pursuance of byelaw No. 33 (a) of the
byelaws of Sri Vanivilas Co-operative Sugar Factory Ltd.,
Hiriya, Government of Mysore are pleased to appoint
Shri L. Krishna Naik, Officer on the M. A. S. Senior
Scale and one of the Directors of the Board of Management,
as Managing Director of Sri Vanivilas Co-operative Sugar
Factory Ltd., Hiriya, from the date of his taking charge
until further orders, *vide* Shri S. Obeidulla, Managing
Director.

[No. DPC 95 CSF 67.]

By Order and in the name of the Governor of Mysore,

1050

S. V. PRABHU, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 14th September 1967.

S.O. 1802.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Mysore Co-operative Bank Ltd., Gandhi Square, Mysore, on the points noted below :

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute.

- '1. Are the Management of the Mysore Co-operative Bank Ltd., Gandhi Square, Mysore-1, justified in not implementing the recommendations of the *Ad-hoc* Committee for Co-operative Employees, which has been accepted by Government of Mysore *vide* No. DPC 142 CCC 65, dated 4th November 1966 ?
2. If not are the employees of the said Co-operative Bank justified in demanding the pay scales, medical relief, provident fund subscriptions retirement age, gratuity scheme and leave facilities (without curtailing all personal and special allowance, other advances and loan benefits existing until now) as follows, as recommended by the *Ad-hoc* Committee for Co-operative Employees ; or to any other relief ?

- (a) The pay scales of each employee be fixed with effect from 1st November 1966 as detailed in the annexed statement, including weightage, Dearness Allowance, House Rent Allowance at Government rates ;
- (b) Medical Relief be allowed to each employee, his parents, wife, children and others depending upon him, equal to a month's salary of the employee with a ceiling of Rs. 100 each year.
- (c) Provident Fund subscription of the employees be enhanced from $6\frac{1}{2}$ per cent to $8\frac{1}{2}$ per cent of his basic pay and contribution of a like sum by the Management. The interest etc., shall be one per cent more than the interest allowed on Fixed Deposits in the said Co-operative Bank ;
- (d) Age of retirement, Gratuity and Leave facilities of the employees be as follows from 15th November 1966, as contained in the Co-operative Rules (Amendment), 1966 :—

- (i) *Age of retirement* :— 58 years.
- (ii) *Leave facilities* :—
 - (1) *Casual Leave* :— 15 days in each calendar year ;
 - (2) *Privilege Leave* :— $1/11$ of the total number of days on active service ;

(iii) **Gratuity Scheme** :—One month's salary for every year of service up to a maximum of 15 months salary calculated on the average pay drawn just before retirement or death, as the case may be "

[No. FCL 419 LLD 67].

By Order and in the name of the Governor of Mysore,
1046 G. G. PUROHIT, *Under Secy.*

ANNEXURE

Statement showing the Revised Scales of pay to be fixed to the Employees of the Mysore Co-operative Bank, Limited, in accordance with the pay Commission's Report as approved by the Government.

Sl. No.		Designation	No. of years services	Revised Scale	Pay to be fixed	Weightage increment		Total pay	Revised D.A.	House Rent allowance	Total Salary
						No	Amount				
1	2	3	4	5	6	7	8	9	10	11	12
	M/s—		over—		Rs.		Rs.	Rs.	Rs.	Rs.	Rs.
1	N Subramanya	Secretary	15 years	250-20-350-EB-25-500	330	2	40	370	110	20	500
2	H R Ranga Rao	Cashier as A.S	38 years	220-10-320-EB-15-440	220	3	30	250	110	20	380
3	K V Gundappa	Accountant	36 years	220-10-320-EB-15-440	220	3	30	250	110	20	380
4	H Subba Rao	do	34 years	220-10-320-EB-15-440	220	3	30	250	110	20	380
5	N D Laxminarayana	Senior Clerk	34 years	90-4-110-5-150-EB-6-180	115	3	15	130	70	9	209
6	C S Venkatasubba Rao	Asst. Cashier									
7	C S Venkataramaiah	Senior Clerk	24 years	120-5-150-8-190-EB-10-250	120	2	10	130	70	9	209
8	B P Swamy	do	24 years	do	120	2	10	130	70	9	209
9	M V Lakshminarayana	do	22 years	do	120	2	10	130	70	9	209
10	A N Amrutha Rao	do	21 years	90-4-110-5-150-EB-6-180	90	2	8	98	65	9	209
11	K Narasimha Iyengar	do	20 years	70-2-90-EB-3-120	86	2	4	90	65	9	164
12	K V Venkatanarayana Sastry	do	18 years	do	78	2	4	82	47	7	136
13	N S Krishnamurthy	do	16 years	90-4-110-5-150-EB-6-180	90	2	8	98	65	9	172
14	B S Balasundara Murthy	do	16 years	120-5-150-EB-6-180	120	2	10	130	70	9	200
15	T V Sreenivasachar	do	15 years	90-4-110-5-150-EB-6-180	90	2	8	98	65	9	172
16	D Sambiah	do	20 years	70-2-90-EB-3-120	78	2	4	82	47	7	136
17	R Vasudeva Murthy	Clerk	14½ years	90-4-110-5-150-EB-6-180	90	1	4	94	65	9	168
18	A L Seshappa	do	14 years	70-2-90-EB-3-120	78	1	3	80	47	7	134
		Literate attender	26 years	70-2-90	70	2	4	74	47	7	128

4350a

ANNEXURE—*concl.*

1	2	3	4	5	6	7	8	9	10	11	12
					Rs.		Rs.	Rs.	Rs.	Rs.	Rs.
19	R Keshava Murthy	... Illiterate attender	26 years	70-2-90	70	2	4	74	74	7	128
20	M Javarish	... Attender	33 years	60-2-90	70	8	6	76	47	7	180
21	M H Monnaiah	... do	20 years	60-2-90	60	3	4	64	47	7	118
22	G S Narayanaswamy	... do	19 years	do	60	2	4	64	47	7	118
23	Puttaraju	... do	19 years	do	60	2	4	64	47	7	118
24	Ramaiah	... do	16 years	55-1-65	55	2	2	57	47	7	111
25	D Chikkanna	... do	17 years	60-2-90	60	2	4	64	47	7	118
26	Kempaiah	... do	14 years	do	60	1	2	62	47	7	116
27	Venkatagiriappa	... do	7 years	do	60	1	1	62	47	7	116
28	B Sitaramu	... Clerk	2 years	90-4-110-5-150-EB-6-180	90	...	...	90	65	9	164
29	Typist	...		90-4-110-5-150-EB-6-180-Typ- ing Allowance Rs. 10	90+10	...	...	10	65	9	174
30	Rajashekharappa	... Attender	2 years	60-2-90	60	...	...	60	47	7	114
31	Rajanna	... do	2 years	do	60	Nil	Nil	60	47	7	114
32	H K Ramachandra	... Clerk	7 months	120-5-150-EB-6-180	120	Nil	Nil	120	65	9	194
33	G Nagesh	... Clerk	1 year	do	120	Nil	Nil	120	65	9	194
34	M S Laxmivallabharaj	... Clerk	1 year	do	120	Nil	Nil	120	65	9	194
35	Miss M S Nagarathna	... Clerk	7 months	90-4-110-5-150-EB-6-180	90	Nil	Nil	90	65	9	164

4350b

[No FCL 419 LLD 67.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*

PUBLIC WORKS SECRETARIAT.

NOTIFICATION.

Bangalore, dated 12th September 1967.

S. O. 1803.—In exercise of the powers conferred by sub-section (4) of Section 6 of the Mangalore Port Trust Act, 1953, the Governor of Mysore hereby appoints Sri M. S. Reddy, Assistant Regional Manager, The Mineral and Metals Trading Corporation of India Limited, Mangalore, to be a Trustee of the Mangalore Port Trust for a period of two years.

[No. PWD 26 PMT 67.]

By Order and in the name of the Governor of Mysore,

1082

B. U. VENKATARAMANAIAH, *Under Secy.*

AGRICULTURE AND FOREST SECRETARIAT.

NOTIFICATION.

Bangalore, dated 14th September 1967.

S. O. 1804.—In exercise of the powers conferred by Section 4 of the Madras Forest Act, 1882 (Madras Act V of 1882), as in force in the Madras area, the Government of Mysore hereby—

(i) declares that it is proposed to constitute the lands in the Coondapur Taluk of South Kanara District, the situation and limits of which are specified in the schedule hereto annexed, as reserved forest;

(ii) appoints the Forest Settlement Officer, Mangalore to be the Forest Settlement Officer, for purposes of clause (c) of the said section; and

(iii) appoints the Divisional Forest Officer, Coondapur to attend on behalf of the Government at the inquiry conducted by the said Forest Settlement Officer.

Under Section 14 of the said Act, the Government of Mysore hereby appoints the Deputy Commissioner, of South Kanara District, to hear appeals on any orders passed by the Forest Settlement Officer under sections 11 12 and 13 of the said Act.

SCHEDULE

Name of the District	...	South Kanara
Name of the Taluk	...	Coondapur Taluk
Name of the Village	...	Amashebail
Name of the Block	...	Surikodlu R. F. Extension Block
Survey field Number	...	109, 108, 110, 107, 111, 117, 62, 56, 106 and 105.
Area	...	112. 25 acres.

Boundary Description.

North. From station No. 45 the line runs in South-Eastern direction to station No. 50 passing through the intermediate station Nos. 46 to 49 at a total distance of 3,070 links. From station No. 50 the line runs to South to station No. 51 at a distance of 1,000 links. From station No. 51 the line further runs to East to station No. 55 after passing the intermediate station Nos. 52 to 54 at a total distance of 1,370 links. From there the line runs to North-East to station No. 60, after passing the intermediate station No. 56 to 59 at a total distance of 2486 links. From 60th station the line runs in North-East to station No. 9 (Surikodlu R. F. Cairn No. 49 B), after passing through the intermediate station Nos. 61 and 62 at a total distance of 1,775 links. The distance and bearing from station to station are as follows:—

Station From	Numbers To	Bearings in F. B.	Distances in links
45	46	122	500
46	47	145	300
47	48	165	800
48	49	147	420
49	50	118	450
50	51	174	1,000
51	52	99	400
52	53	89	360
53	54	90	340
54	55	72	270
55	56	24	460
56	57	7	280
57	58	36	316
58	59	26.5	830
59	60	6	600
60	61	32.5	900
61	62	70	410
62	9	65	465

East. — From station No. 9 (R. F. C. No. 49 B) the line runs to South-West along the Surikodlu R. F. boundary line to station No. 11 (R. F. C. No. 49) after passing the middle station No. 10 at a total distance of 1,377 links. From station No. 11 the line runs on the same Reserve Forest boundary line to South-East to station No. 15 (R. F. C. No. 48) after passing the middle station Nos. 12 to 14 at a total distance

of 1, 530 links. The distance and bearing from station to station are as follows:—

1	2	3	4
9	10	201.5	853
10	11	201	524
11	12	151.5	404
12	13	152	339
13	14	151	433
14	15	151.5	354

South.—From station No. 15 (R. F. C. No. 48) a point on Narsipur River bank the line runs to West to station No. 16 at a distance of 218 links. From there the line runs to North-West to station No. 17 at a distance of 360 links. From station No. 17 the line runs to West to station No. 19 after passing the middle station No. 18, at a total distance of 629 links. From station Nos. 19 to 21 the line runs to South after passing the 20th station at a distance of 797 links. From there the line runs in South-Western direction to station No. 30, after passing the middle station No. 22 to 29 at a total distance of 3,509 links. From 30th station the line further runs in North-Western direction to station No. 33, after passing the middle stations Nos. 31 and 32 at a total distance of 951 links. Thus the line from station Nos. 15 to 33 along Narsipura River bank, which flows from East to Western side of the block. The distance and bearing from station to station are as follows:—

1	2	3	4
15	16	255	218
16	17	296	360
17	18	255	280
18	19	260	349
19	20	214	345
20	21	189	452
21	22	238.5	380
22	23	230.5	638
23	24	256.5	260
24	25	222	436
25	26	212	348
26	27	239	162
27	28	244	405
28	29	223	344
29	30	247.5	536
30	31	281	201
31	32	296.5	480
32	33	290.5	270

West.—From station No. 33 the line runs to North to station No. 39 after passing the middle station Nos. 34 and 35, at a total distance of 1,330 links. From station No. 36 the line runs to in North-Western direction to station No. 37, at a distance of 430 links. From there the line runs along the western side of Gundinamanebail to station No. 44, after passing the intermediate stations 38 to 43, at a total distance of 3,270 links. From station No. 44 the line runs in North-Eastern direction to station No. 45 (starting station of northern side of the block) at a distance of 300 links. The distance and bearing from station to station are as follows :—

1	2	3	4
33	34	200	460
34	35	360	490
35	36	357	380
36	37	317	430
37	38	345	650
38	39	343	420
39	40	330	470
40	41	358	370
41	42	347	700
42	43	353	270
43	44	17	390
44	45	40.5	300

Right of ways.—Cart track: A cart track enters the block between cairn No. 1 and 2 from Hale Amashebail and runs through the block and leaves the block to Gundimanebail between cairn Nos. 27 and 28.

Footpath.—A footpath enters the block between cairn No. 4 and 5 from Hale Amashebail and runs across the block and leave the block to Gundimanebail between cairn Nos. 27 and 28.

Other privileges.—

1. Free grazing of cattle by villagers inside the blocks.
2. Free removal of green manure leaves for the *bona fide* use by the ryots.
3. Free removal of dry fuel for the *bona fide* use by the villagers.
4. Free removal of muligrass for the *bona fide* use by the ryots.

[No. AFD 108 FAF 67.]

By Order and in the name of the Governor of Mysore,

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 14th September 1967.

S. O. 1805.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Corundum to Shri Ahmed Shariff in the following areas of the Mysore Taluk, Mysore District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. Nos.</i>	<i>Area</i>	<i>(As delineated in the plan as furnished by the Department of Mines and Geology)</i>
Varuna	26, 28, 29, 30 to 33, 35, 36, 37, 40 to 44, 46, 47, 51 to 54 56, 57 & 60 to 63.	170 Acres (68.80 hectares)	

Terms and Conditions :—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a Prospecting fee of Rs. 2-50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time ;

4. The licensee shall make available to the Government of India beryl or any other "substance prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government ;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence ;

11. The licensee shall engage a qualified geologist or a mining Engineer to conduct the prospecting methodically ;

12. The licensee shall not give any ore-raising contract during the prospecting stage ; and

13. The area mentioned above is subject to verification after actual survey.

[No. CI 184 EPO 67.]

By Order and in the name of the Governor of Mysore,

1091

N. NARAYANASWAMY, *Under Secretary*

NOTIFICATION

Bangalore, dated 14th September 1967.

S. O. 1806.- In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Manganese and Iron ore to Shri P. P. Doddannavar in the following areas of the Supa Taluk, North Kanara District, on the terms and conditions mentioned below :—

<i>Village</i>	<i>S. No.</i>	<i>Area</i>
Hathkamba	As per sketch	240 acres (97.12 hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology.)

Terms and Conditions.—

1. The licence shall be operative for a period of two years with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government ;

2. The licensee shall pay to Government a prospecting fee of Rs. 2.50 per hectare of the land covered by the licence for each year or portion of a year ;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957. and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXIX of 1948, if they occur in the property under licence ;

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired, and to recover the cost of the same from the licensee ;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence ;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the Prospecting Licence as also any accounts, plans and records maintained by him ;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of

every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence.

11. The licensee shall engage a qualified geologist or a mining engineer to conduct the prospecting methodically; and

12. The licensee shall not give any ore-raising contract during the prospecting stage;

13. The area mentioned above is subject to verification after actual survey; and subject to the special condition that the:—

14. Licensee shall have no right to claim any compensation from Government, if the area gets submerged consequent to the execution of the Kalinadi Hydro Electric Project before the expiry of the licence.

[No. OI 121 EPI 67.]

By Order and in the name of the Governor of Mysore,

1090

N. NARAYANASWAMY, *Under Secretary.*

NOTIFICATION.

Bangalore, dated 15th September 1967.

S. O. 1807.—In supersession of orders issued in Notification No. CI 27 EMI 67 dated 25th March 1967, Government hereby notify that the area granted to M/s. Damle Brothers, Mine Owner, Damle Galli, Post: Khanapur, District: Belgaum, under Mining Lease for 20 years for River sand in Akrali Village, Belgaum District be reduced from 100 acres to 75 acres, on the same terms and conditions stipulated in the said Notification as on actual survey the area is found to be only 75 acres.

[No. CI 125 EMI 67.]

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY,
Under Secretary.

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 16th September 1967.

S. O. 1808.--WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Vikram Industries, Mysore Road, Opposite Tollgate, Bangalore-26 on the points noted below ;

NOW, THEREFORE, in exercise of the powers conferred by clause (D) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute.

1. Are the 49 persons mentioned in the following list, the employees of Vikram Industries, Mysore Road, Bangalore-26?
2. If so is the Management justified in dismissing the said workers?
3. If not, to what relief the said workers are entitled?

LIST OF EMPLOYEES.**Sriyuths.—**

- | | |
|--------------------------|-------------------|
| 1. M. A. Krishnan | 26. Rablt William |
| 2. Narasimhaiiah | 27. Nagaraj |
| 3. K. Mariyappa | 28. Sadanadan |
| 4. V. Krishna | 29. Sreenivasa |
| 5. R. Venkatesh | 30. Mallaiiah |
| 6. V. Murthy | 31. Byrachari |
| 7. R. Abdull Khriem | 32. Kai daraj |
| 8. P. Sampaky | 33. Xarveer |
| 9. M. Raju | 34. Anjan yappa |
| 10. C. Subramani | 35. Boraiah |
| 11. V. K. Madhavan | 36. Ramachari |
| 12. J. Balu | 37. Govi dappa |
| 13. K. Krishna | 38. R. Nagaraj |
| 14. Mahaboob Khan | 39. Kasisiddaiah |
| 15. M. K. Kottaiiah | 40. Nagaraj |
| 16. K. S. Bhasha | 41. Govindaswamy |
| 17. P. Unn. krishnan | 42. Halumada Ra. |
| 18. M. Muniyallappa | 43. P. Breedaran |
| 19. P. P. ilepe | 44. Ramamenon |
| 20. K.N. Shivasankaran | 45. Jamas |
| 21. Chikkahanumaiah | 46. S. Babu |
| 22. K. Ganganna | 47. Esunni |
| 23. P. Subramani | 48. Rangaiiah |
| 24. M.K. Puttalingachary | 49. Dodaiab |
| 25. Rama | |

[No. FOL 547 LLD 67.]

By Order and in the name of the Governor of Mysore,
 1086 G. G. PURBHIT, *Under Secy.*

ORDER.

Bangalore, dated 18th September 1967.

S. O. 1809.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. Veneer Mills, 4061/1, Jalpuri Extension, Mysore, on the points noted below ;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Bangalore.

Points of Dispute

“Are the Management of M/s. Veneer Mills, Jalpuri Extension, Mysore, justified in retrenching the following 17 workers:—

- | | |
|-------------------------|------------------------|
| 1. Sri Doddarachaiah. | 2. Sri Manohappa. |
| 3. Sri Manohaiiah. | 4. Sri Srinivasa. |
| 5. Sri Raju | 6. Sri Timmaiah. |
| 7. Sri D. Phillip Raju | 8. Sri Madhu. |
| 9. Sri Doreswamy. | 10. Sri Rangappa. |
| 11. Sri Maraiiah. | 12. Smt. Mallajamma. |
| 13. Smt. Puttarachamma. | 14. Smt. Chinnamma. |
| 15. Smt. Puttarangamma. | 16. Smt. Meenakshamma. |
| 17. Smt. Thayamma. | |

If not, are these 17 workers entitled for reinstatement with back wages and continuity of service ?”.

[No. FOL 499 LLD 67.]

By Order and in the name of the Governor of Mysore,
1037: G. G. PUROHIT, *Under Secretary.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore dated 19th September 1967.

State Awards for Kannada Films.

S. O. 1810.—In pursuance of Rule 5 of the "Mysore State Awards to full length Kannada feature films Rules 1967", entries for the State Awards for films are hereby invited in respect of full length Kannada feature films certified for public exhibition during the period 1st April 1966 to 31st March 1967 (both days inclusive). The entry in respect of a film may be made by its Producer or any other person duly authorised by him in this behalf up to 31st October 1967. The entry should be made in duplicate in the form prescribed and the entry forms should be accompanied by an entry fee of Rs. 100/ (Rupees One hundred only) in cash or by Treasury challan for the said amount credited to the Mysore Government Account.

2. The entries should be addressed to the Officer on Special Duty, Film Unit and *Ex-Officio* Member-Secretary of the Advisory Committee for Awards to Feature Films, State of Mysore, 64, Palace Road, Bangalore-1.

3. The entrant is required to submit, at his cost, to the Officer on Special Duty, Film Unit, mentioned above, a good print of the film and 10 (ten) copies of the Synopsis and songs as well as the Publicity material relating thereto.

4. The films winning Awards are likely to be exhibited at the festival of films if any organised by Government following the function for distribution of the Awards.

5. Copies of Rules, Application forms and also further details regarding head of account to which the entry fee should be credited, can be had from the Officer on Special Duty, Film Unit, at his address mentioned above.

[No. HD 203 PIS 67.]

V. A. GUMASTE, *Under Secy.*

REVENUE SECRETARIAT.

ORDER

Bangalore dated 6th September 1967.

S. O. 1811.—In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 9 of the Mysore Stamp Act 1957, (Mysore Act 34 of 1957) the Government of Mysore being of the opinion that it is necessary in public interest so to do, hereby remits the duty chargeable under the said Act in respect of the instrument to be executed by Shri Shivaganga Mutt in favour of Air Force Officers Co-operative Society, Head Quarters Training Command, Bangalore in respect of the sale of two hundred eight acres and two guntas in Jodilakshmipura village, Devanahalli taluk, Bangalore district.

[No. RD 27 EST 67.]

By Order and in the name of the Governor of Mysore.

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 16th September 1967.

S. O.1812.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 69 EPI 67, dated 16th May 1967, sanctioning a Prospecting Licence for Asbestos in respect of the area of 212 acres of land in Tangod village, Shirahatti Taluk, Dharwar District in favour of Shri R.T. Bhandage Gadag, Dharwar District as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 149 EPI 67.]

By Order and in the name of the Governor of Mysore,

919

N. NARAYANASWAMY, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the workmen and the management of M/s. Motor Industries Co., Ltd., P.B. No. 93, Bangalore-1.

Award of the Labour Court, Bangalore—Published.

Read the following papers :—

(1) Letter No. 596—67-68, dated 23rd August 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated this 23rd day of August 1967.

Present :

SRI P. T. KADKOL, B.SC., LL.B.,
Presiding Officer.

Reference No. 66 of 1966.

Workmen represented by the Secretary, MICO		
Employees' Association, Audagodi, Bangalore-2	..	1 Party

Vs.

The Management of M/s. Motor Industries Co., Ltd.,		
P.B. No. 93, Bangalore-1	..	II Party.

Reference : Government Order No. LMA 190 LLD 66,
dated 23rd May 1966.

AWARD.

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s.

Motor Industries Company, Ltd., Bangalore have referred it for adjudication to this court under Section 10(1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 190 LLD 66, dated 23rd May 1966 setting out the following points of dispute for adjudication :—

“I. Is the Management of the Motor Industries Co., Ltd., Bangalore-1 justified in terminating the services of Shri J. V. Narayanan, Assistant in the Labour and Welfare Department of the Concern ?

II. If not, to what relief is Shri J. V. Narayanan entitled to ?”

2. The cause of the aggrieved workman Sri J. V. Narayanan has been sponsored by the MICO Employees' Association, Bangalore. It is a registered Trade Union. This Union, as representing the Workmen, is the First Party and the Management of the Motor Industries Co., Ltd., (hereinafter referred to as MICO Factory), Bangalore, is the Second Party in this proceeding. Advocate Mr. Krishnaiah has appeared for the Union and Mr. B. R. Puttananjappa, Secretary, Mysore State Employers' Association has appeared for the Management.

3. Some of the admitted facts are these :—

4. The Management of the MICO factory invited applications for the post of an Assistant in its canteen, through an advertisement in the “Hindu” newspaper, in October 1962. Narayanan (the aggrieved workman) applied for that post by his application dated 23rd October 1962 (*Vide* Ex. M. 1). He was interviewed by the Management and was appointed as an “Assistant in the Labour and Welfare Department” with effect from 24th November 1962. He was informed that he was “responsible to look after the Canteen”. A letter of appointment was issued to him on 4th December 1962 (*Vide* Ex. M. 2) and he was informed that his appointment was subject to all the terms and conditions set out therein and he should signify his willingness, by signing on the duplicate thereof. Applicant signified his consent. He was started on a salary of Rs. 260 p.m. all inclusive.

5. The MICO factory works in four shifts. One is called the General Shift and the others are the first, second and third shifts. The factory canteen works all the 24 hours of the day. The working hours of the shifts are :—

1. General Shift .. 8 A.M. to 4-30 P.M.
2. First Shift .. 6-15 A.M. to 2-45 P.M.

3. Second Shift . . 12 NOON to 8-30 P.M.
4. Third Shift . . 7 P.M. to 3-30 A.M.

Narayanan was attached to the General Shift. His working hours were 7 A.M. to 4-15 P.M. on week days and from 7 A.M. to 11-15 A.M. on Saturdays. (*Vide* R.W. 2).

6. The MICO factory runs a kitchen and supplies free meals to all its employees, by way of lunch from 10 to 10-30 A.M. for first shift employees and from 11-45 A.M. to 12-15 P.M. and 12-45 P.M. to 1-15 P.M. for two batches of the General Shift and by way of dinner from 7 P.M. to 7-30 P.M. for the second shift employees. Besides this, it also supplies, against payment, break-fast, snacks, tea, etc., at different times to all employees. In the night from 11-30 P.M. to 12 MID-NIGHT, it supplies free milk for the third shift employees (*Vide* R.W. 2).

7. The responsibility of arranging for the lunch, breakfast and snacks during his working hours, was on Narayanan.

8. Under the appointment letter Ex. M. 2, Narayanan was appointed on probation of one year. He was promised a revision of salary at the end of six months, if he was found suitable in all respects. He was confirmed in his post on 1st June 1963 and put in grade C2, which has a prescribed time scale of pay. On 1st July 1963 he was informed by the letter Ex. W. 4 that his pay was fixed at Rs. 312 p.m. from 1st June 1963. On 19th August 1964, he was informed that his pay was raised to Rs. 338 p.m. with effect from 1st August 1964 (*Vide* Ex. W. 3 and Ex. M. 3/2). Then on 19th August 1965 he was informed that his pay was raised to Rs. 402-50 P, with effect from 1st August 1965 (*Vide* Ex. W. 2 and Ex. M. 3/1). Finally on 6th November 1965, his services were terminated (*Vide* Ex. W. 1 and M. 4). The Order of termination runs as under:—

“This is to advice you that we do not require your services with effect from the close of 6th November 1965. You will be paid one month’s salary in lieu of notice along with your other dues in final settlement of your account.”

9. Naturally, Narayanan resented his termination and approached the first party Union. He also issued a pamphlet (Ex. M. 6) by way of an appeal on 15th November 1965, and sought the “moral support” of the other employees. The Union addressed a letter to the Management on 11th November 1965 (Ex. M. 5)—after it had a discussion with the Management, on

the previous day—condemning the termination of Narayanan as “unjust and illegal” and demanding his reinstatement. The Management gave a reply to the Union on 16th November 1965, and it is at Ex. M. 7. An alternative job was offered to Narayanan by the Management. But Narayanan and the Union did not accept it, as it carried a lesser pay than what Narayanan was drawing then. The negotiations failed. Thereafter conciliation proceedings were held and they too failed. Hence the present Reference has been made by the Government.

10. The First Party Union has submitted its statement of claims dated 19th July 1966. It has averred therein :—

The termination of the services of Narayanan is *mala fide*, opposed to law, unjustifiable and is a glaring instance of unfair labour practice; the running of the canteen was by no means the sole responsibility of Narayanan; he was only required to assist, to the best of his ability, in the day-to-day running of the canteen, having nothing to do with the policy matters; the Management was keen to get rid of Narayanan in order to appoint another person, which it has done since; hence the order terminating the services of Narayanan passed by the Management, be set aside and he be directed to be reinstated with full back wages and continuity of service, etc.

11. The Management has put in its statement of objections. The contentions raised by it are :—

Narayanan was placed in charge of the Canteen and made responsible for the day to day running of the same; this fact has been made clear in his letter of appointment itself; his duties were supervisory and he had to look after the smooth and proper running of the canteen; some of his main duties were to requisition all the necessary provisions, make proper preparations of the items, look after serving them timely to the employees and also the maintenance of cleanliness; he was also required to attend to the complaints in the canteen; but during the time when he was in charge he gave room for various complaints on several occasions and did not improve inspite of leniency shown by the Management; as oral warnings had no effect on him, the Management had to postpone his increment for two months in 1964 and twice in 1965, on account of his unsatisfactory work; hence the Management finally decided that there was no use in

retaining him as an Assistant in charge of the canteen and terminated his services in the interest of the employees themselves; when the union officials took up the cause of Narayanan and discussed the matter with the Management, want of ability and capacity on his part to be in charge of the canteen, was never the bone of contention between the two parties; the Management gave two alternatives to him purely on humanitarian grounds; by one he was asked to accept another job commensurate with his qualifications and ability, on the salary fixed for that job; the other was to continue in service till the end of December 1965 find out another job in the meanwhile and tender his resignation; the Union did not insist on his being retained in the canteen but on his being provided with an alternative job without reduction in his emoluments; the Management could not accept this proposal of the Union; the Management has passed the order of termination of his services, *bona fide*; the Management denies that it was keen on getting rid of him to appoint another person on a high salary in his place; hence this Reference be rejected etc.

12. The First Party Union has submitted its rejoinder to the above statement of objections. Therein it has reiterated the averments made by it in the claim statement and added:—

Narayanan had to discharge his duties under severe handicaps; even the smallest work or purchase could be effected “only after a lot of red-tape”; he was not allowed any individual initiative and most of his work was required to be done after seeking permission and instructions from superiors; in name only he was a supervisor and in practice a mere helper; the Management’s contention that he was “incapable of performing the task allotted to him” is untenable; his services are terminated with the sole purpose of bringing another officer on a high salary in his place, on some flimsy pretext, which is highly *mala fide*; hence this reference be accepted etc.

13. In reply to a query made by the Court, the Management has submitted the memo dated 1st October 1966 as under:—

The Second Party submits by way of clarification that the termination of the services of Sri J. V. Narayanan by the second party management by its order dated

6th November 1965 was an act of termination simpliciter in the *bona fide* exercise of its Managerial functions under the terms of employment and the provisions of the certified Standing Orders, Rule 17, applicable to the establishment."

14. On these pleadings, the following additional issues have been framed (*Vide* Order sheet dated 1st October 1966) and set down for hearing:—

1. Whether the termination of the services of the aggrieved workman by the Management of the second party under Standing Order No. 17 (1) *mala fide* or punitive in nature?
2. Is the aggrieved workman entitled to reinstatements with or without back wages and continuity of service or to any other relief?

Parties were asked to lead evidence on these issues and they have done so. The First Party has examined the aggrieved workman Narayanan (W.W. 1) and produced the documents marked Exts. W. 1 to W. 15. The Management has examined two witnesses (M.W. 1 and M.W. 2) and produced the documents marked Exts. M. 1 to M. 19. This is all the evidence in the case. I now proceed to consider the first issue.

15. From the pleadings set out above, it is evident that the services of Narayanan have been terminated by the Management of the Second Party without levelling any charges against him and without holding any domestic enquiry. The case of the Management is that Narayanan's termination is a discharge simpliciter, being an essentially management function, under Standing Order No. 17 (1) of its certified Standing Orders. A copy of the certified Standing Orders has been produced and marked in evidence at Ex. M. 16. That Standing Order reads as under:—

"The employment of any permanent monthly rated employee can be terminated without assigning any reason by giving one month's notice or by payment of wages at the basic rate of pay for one month in lieu of notice irrespective of the length of service of such employee with the Company."

Admittedly, Narayanan was a monthly rated permanent employee. In the letter of appointment (Ex. M. 2), he has been informed that he would be governed and shall abide by the

Standing Orders of the Company in force from time to time and he has accepted service subject to this condition. So, it follows that the Management had a right to proceed against Narayanan under the above Standing Order if facts or circumstances demanded it. The Union also has not challenged this right of the Management. So far as the certified standing orders are concerned, the legal position is quite clear. Certified Standing Orders represent the relevant terms and conditions of service in a statutory form and they are binding on both parties, at least as much, if not more, as private contracts, embodying similar terms and conditions of service. They form part of the contract between the Management and the Employees. They take the place of service rules relating to Government Servants. The authorities in support of this proposition are :—

1. 25 F.J.R. 25 (S.C.)—Buckingham and Carnatic Co.. Ltd. Vs. Venkatiah.
2. A.I.R. 1959 Mad. 479—Mettur Industries Ltd., Vs. A. R. Verma.
3. A.I.R. 1959 Patna 481—Bihar Journalis Ltd. Vs. Ali Hassan.

It is thus clear that the Management of the Company (MICO factory) had every right to terminate the services of Narayanan in exercise of its managerial functions under Standing Order 17 (1). So far as the wording of the termination order of Narayanan goes, it is purely a discharge simpliciter.

16. But numerous decisions in point have laid down that the words employed in the impugned order are not a conclusive proof of the nature of the Order. If such an order is challenged by the concerned employee, the Industrial Court has not only the right but has also the duty to examine the order in all its aspects, the circumstances, if any, that led to the passing of that order and find out whether it has been passed in *bone fide* exercise of a managerial function or the Management has acted *mala fide* or with a spirit of victimisation. The Court is also required to find out whether the impugned order is punitive in nature, or amounts to an unfair labour practice on the part of the Management. In other words, the court is required to find out whether it is only a colourable exercise of a management function, being adopted as a short cut, to deny fair play, justice and benefits of principles of natural justice to the employee, in order to camouflage its real intention and ulterior motives. I narrate below some of the leading decisions in point.

17. In *Murugan Mills Ltd. Vs. Industrial Tribunal* (1965-I LLJ 422), the Supreme Court has observed :—

“The right of the employer to terminate the services of the workman under the Standing Orders by giving a notice or by paying him wages in lieu of such notice, which amounts to a claim “to hire and fire” an employee as the employer pleases and thus completely negative security of service which has been secured to industrial employees through industrial adjudication was considered by the Labour Appellate Tribunal in 1951-2-LLJ 314 and the view taken therein has been approved in the decision of the Supreme Court, in 1960-2-LLJ 222 and 1962-I-LLJ 374. Even in such a case, the requirement of *bona fides* is essential. If the termination of service is a colourable exercise of power or as a result of victimisation, or unfair labour practice the Industrial Tribunal would have the jurisdiction to intervene and set aside such termination. The form of the order in such a case is not conclusive and the Tribunal can go behind the order to find the reasons which led to the order and then consider for itself whether the termination was a colourable exercise of power or was a result of victimisation or unfair labour practice.”

Similar principles have been laid down by the Court in *Ahmedabad Sarangpur Mills case* (1965-I-LLJ 155).

18. In *Assam Oil Co., Ltd. Vs. Its Workmen* (1960-I-LLJ 587), the Supreme Court has held that even where, under the contract of employment or the Standing Orders the employer is empowered to discharge the workman merely by giving notice and the order of discharge purports to be made in exercise of that power, it is competent to the Tribunal to enquire into the actual facts of the case; if the Tribunal finds that the action taken was in substance and effect, not discharge simpliciter, but removal from service by way of punishment for some imputed misconduct or incompetence, it is a case of punitive action and if the order is not preceded by a regular domestic enquiry, the discharge is wrongful and the Tribunal must interfere.

19. In *Chartered Bank, Bombay Vs. Chartered Bank Employees' Union*, (1960-2-LLJ 722), the Supreme Court has made similar observations. It has further observed that it is competent to the Tribunal to enquire into the actual facts of the case and for that purpose to call upon the employer to disclose all the circumstances

which led to the order. Then it has observed that if the Tribunal finds that the action taken was in substance a result of victimisation or unfair labour practice or a punitive measure for some misconduct, it must interfere and revise the order.

20. In *V. B. Dutt & Co. Vs. Its Workmen* (1962-2-LLJ 374), the Supreme Court has held that it is competent to the Tribunal to enquire into the merits of the case and the employer cannot claim that he has unfettered right to terminate the services of an employee which the Tribunal has no right to interfere with. In this case, the Supreme Court has reaffirmed the principles laid down by it in the *Assam Oil Company* case and the *Chartered Bank* case, mentioned above.

21. The latest decisions of the Supreme Court on this point is the one reported in 1966 (2) LLJ 602 (*Tata Oil Mills Company, Ltd. Vs. Their Workmen*). In this decision, the Supreme Court has relied on and reaffirmed the principles enunciated by it in *Chartered Bank* case and *U. B. Dutt & Company* case and added :—

“The test always has to be whether the act of the employer is *bona fide* or not. If the act is *mala fide* or appears to be a colourable exercise of the powers conferred on the employer by the terms of the contract or by the Standing Orders, then, notwithstanding the form of the order, the Industrial adjudication would examine the substance and would direct re-instatement in a fit case.”

22. Then with regard to proof or otherwise of the *bona fides* or *mala fides*, it has been laid down in *Orissa Cement Lt., Vs. Their Workmen* (1960-2-LLJ 91) that it is for the party alleging *mala fides* to lead evidence in support of the said plea. This is also a decision of the Supreme Court (*Vide Industrial Disputes Act* by Vittalbhai Patel, 1963 Edition, Page 582). A finding of *mala fides* or victimisation has to be based on evidence along (*Vide* 1963-2-LLJ 429 (S.C.), *Anand Bazar Patrika Vs. Their Employees*).

23. The evidence led by the parties in this case, requires to be assessed keeping in mind, the principles laid down by the Supreme Court, in the various decisions cited above. I have mentioned above that the Management of the Second Party had every right to terminate the services of Narayanan, under Standing Order 17 (1), at Ex. M. 16. The question is whether this act of the management is *bona fide* or *mala fide*.

24. I start with the pleadings. In the claim Statement, the Union has alleged that the termination of Narayanan is *mala fide*, opposed to law, and unjustifiable and is a glaring instance of unfair labour practice (*Vide* Para 1). Then at the end of para 4, it has alleged that the Management was keen on getting rid of Narayanan and employ somebody else.

25. The Management has averred in the Statement of objections that it was highly regrettable that during the time Narayanan was in charge of the canteen, he gave room for various complaints on several occasions and there was no improvement in spite of the leniency shown by the Management and since the oral warnings did not have any effect on him, the Management had to postpone his increments for two months in 1964 and twice in 1965, for unsatisfactory work (*Vide* para 4) and so, Narayanan had to be terminated in the interest of the employees themselves (*Vide* Para 2). The case of the Management appears to be that Narayanan is incompetent or incapable of managing a canteen of such magnitude as the one run by it.

26. In the rejoinder, the Union has specifically alleged (*Vide* Para 7) that Narayanan's services were terminated with the sole purpose of bringing another officer in his place, on a high salary.

27. If as alleged by the Union, the services of Narayanan were terminated by the Management in order to make room for another officer, then the act of the Management would certainly be *mala fide* and the order passed by it, shall have to be set aside. If on the other hand, Narayanan was incompetent or incapable of managing the Canteen, then we shall have to consider the further question whether the act of the Management is punitive in nature, or a *bona fide* act of Management function.

28. In the claim statement it has been alleged that when Narayanan entered service, the number of employees required to be catered in the canteen was 1,500 and when he was terminated, it was 3,500. The corresponding figures given by the Management are 2,553 and 3,559. It is clear that the requirements of the canteen were enlarging and the work-load of Narayanan was considerably increasing during the period of his service.

29. The head of the Canteen Department was Sriram Sharma (M.W. 2), in his capacity as the Labour Welfare Officer of the MICO factory. He had to attend to many activities and attending to the canteen, was one of them. The official next to Sharma (M.W. 2) was Narayanan himself. Under Narayanan were three officials, by name Bhaskar Nair recruited in February 1963,

Achutan recruited in August 1964 and Muthu recruited in July 1965. They were called "Service Assistants." There were no service assistants, when Narayanan joined in November 1962. So, we find that the Management was alive to the gradual increase in the work load and was giving assistance to Narayanan in proportion thereto. The three Service Assistants were attached to the three shifts (one for each shift) and Narayanan was attached to the General Shift. During his work in the general shift, Narayanan had the assistance of the Service Assistant of the first shift for some time and of two service Assistants for the rest of the time, as can be gathered from the shift hours. Then, for each shift, there used to be some service boys and helpers for serving and cleaning. Considering the hierarchy of the officials in the canteen department. It would be clear that Narayanan was wholly responsible for the smooth running of the Canteen, with service assistants, serving boys and helpers to help him. It was his duty to indent for the food articles from the Stores and he was doing it as can be seen from Exts. M. 8 and M. 9. It was his duty to see that cooked food was kept ready for service, in time. It was also his duty to supervise all the arrangements connected with efficient catering in the canteen. Some statements made by Narayanan in this connection, may be noted. He has stated.—

I used to be present personally supervising the servers and helpers when meals used to be served (Para 35). The Canteen used to serve breakfast in the morning and snacks in the evening..I used to supervise the serving of the breakfast..The snacks served from 1 P.M. to 1-30 P.M. at the counter used to be supervised by me (Para 36)..Except looking after the canteen, I had no other work in the factory. The clerk attached to the canteen used to do the writing work (Para 50).

From these statements made by Narayanan it is evident that his duties were exclusively supervisory as asserted by the Management. He was holding a responsible post with a number of subordinates under him. For all practical purposes, he was the head of the canteen section. Below the leave applications of two employees (*Vide* Ex. M. 11 dated 23rd August 1965 and 20th August 1965) he has signed as the head of the department, with a remark on one of them "absented without intimation". He was asked to give a confidential report regarding Service Assistant Muthu and he has done so on 31st May 1965 (*Vide* Ex. M. 10). In Ex. M. 10 he has said that he had kept constant supervision over the work of Muthu and his work was satisfactory. On 24th December 1964 and 3rd May 1965, he has sent confidential reports of the employees working under him and who, were due for increments (Ex. M. 12). He has

recommended that the increment due to one Puttiah may be postponed for two months (Ex. M. 12-A). He has also recommended that the increment due to one Hanumantharao may be postponed by one month (Ex. M. 12-B). These facts also show that Narayanan was holding a really responsible position. He has himself produced the three documents at Exts. W. 5, W. 6 and W. 7. They appear to be remarks made by a higher official. In Ex. W. 5 it has been said that "Bonda and Idli" were alright and the standard should be kept up. In Ex. W. 6 it has been written that the "Wada" was tough and "Upma" was all right. In Ex. W. 7, meant for Narayanan it has been said that the "Uppittu" was good and the "Bonda" which was better, was still oily. It has also been remarked therein that all the drums kept behind the dining tables had to be kept away and that it was reported that it was smelling too much. Ex. W. 8 is the letter written by the Management to Narayanan on 20th October 1963 appreciating the valuable services rendered by him on the occasion of a sudden tool down strike by the workmen.

30. It appears that Narayanan's work was appreciated by the Management for some time at least, after he joined service. His service card, which he has admitted, is at Ex. M. 17. He joined on 24th November 1962 on a salary of Rs. 260 which was raised to Rs. 312 from 1st June 1963. The next increment was due to him on 1st June 1964, in the normal course. It was however postponed by two months "for unsatisfactory work". The increment next to it was due on 1st June 1965 but it was postponed by one month, for "unsatisfactory work". For the same reason, it was postponed for one month more on 1st July 1965 (*Vide* Ex. M. 17-A). The entries at Ex. M. 17 are based on the remarks appearing in the confidential reports of the Departmental Heads produced at Ex. M. 19.

31. Narayanan has examined himself as W.W. 1. In the fairly long statement that he has made, he has not said anything to cast any reflection of victimisation or unfair labour practice on the part of the Management in terminating his services. He has also not said anything suggesting that any of the officers above him had any prejudice or grudge against him and he had any "rub" with any of them. He has, however, sworn that no chargesheet was served on him by the Management at any time between the dates of his appointment and termination and no warnings too had been given to him at any time during the same period. He has not stated anywhere in his deposition as to why the Management terminated his services. His only complaint appears to be that his services were terminated by the Management to appoint another high salaried officer in his place. In his chief-examination as well as cross-examination, he has denied that there were any complaints from the employees against him in the canteen service for which he was responsible.

32. Admittedly there is a canteen committee in the MICO establishment. This Committee consists of an equal number of employees' representatives and Management's representatives. Matters pertaining to the canteen are discussed and suggestions made, at such meetings. It was the duty of Sharma and Narayanan to carry out the suggestions made at such meetings, if they were approved by the management.

33. Mr. Sharma has sworn that Narayanan was not in a position to see whether sufficient articles were kept ready for service to the particular batch; during service he was never supervising personally and co-ordinating the functions of the service staff; he was incapable of exercising control over his subordinates; he was also not supervising properly, the service inside the factory; there will be no occasion for complaints from the employees for non-service or non-availability of any items, if there be a proper supervision and control on a number of occasions, there were complaints, not only from the employees in general but also from the office bearers and leading members of the first party union; Dr. Goehrum, Mr. Gopinath and Commercial Director Mr. Vacha had to pull up Narayanan on several occasions for his unsatisfactory work and want of cleanliness in the canteen (Para 14); since his work was not satisfactory his increments had to be postponed; he had personally explained to Narayanan the postponement of his increments and the reasons therefor; these postponements of increments on three occasions, were accepted by Narayanan without even a murmur (Para 15).

34. The other witness for the Management is Mr. Bernad (M.W. 1). He is the Secretary of the First Party Union. In that capacity, he has even signed the claim statement. He has written the letter Ex. M. 5 to the Management on 11th November 1965, in his capacity as the Secretary of the Union, protesting against the termination of Narayanan. In that letter, he has referred to a meeting that he and some other officials had with the Management officials on the previous day, wherein the termination of Narayanan was discussed. Bernard has admitted in his deposition the meeting held on 10th November 1965. He has stated that at that meeting, the Management was represented by Mr. Martin (Technical Director) and Mr. Gopinath (the Chief Personnel Officer) and the union was represented by himself and Mr. Venkoba Rao, the Vice-President of the Union. Bernard has then proceeded to say that the two Management officials told him and Venkoba Rao that the service of Narayanan had been terminated because Narayanan was "in capable and inefficient and there were lots of complaints from the workers in the running of the canteen". Bernard has further on stated that he and Venkoba Rao told the Management officials that "Narayanan alone can not be held responsible for the complaints but if the

Management still thought that Narayanan was inefficient and incapable, he might be transferred to some other department". In reply, Martin and Gopinath said "We can transfer Naraynan to some other department, but it would not be on the same salary that he was being paid then". They also said "if the same salary was given to Narayanan in the department to which he was transferred, then the workmen there, would grumble". Thereafter, he and Venkoba Rao suggested that Narayanan might be transferred to the Stores Department, where the salary would be more or less the same, but the Management officials said that Narayanan had no experience of that department. After this discussion, the meeting came to an end.

35. Bernard has stated that he received Ex. M. 7 in reply to his letter Ex. M. 5. Then in para 6, Bernard has stated :—

"It is true that I had received from the workers, complaints regarding catering, cleanliness, delay in serving, etc., in the canteen and it is true that I reported them to the Management, in my capacity as the Secretary. This was in 1964 and 1965. At the same time, the Management had complained to me that there was wastage of food in the canteen."

The statement made by Bernard supports to a very great extent, the case sought to be made out by the Management. Bernard has been very fair, in his testimony. It must be remembered that he is the office bearer of the First Party Union fighting the case for Narayanan. Even such a person has stated that there were complaints in 1964 and 1965 about the unsatisfactory service in the canteen. Bernard has also been cross-examined by the learned Representative of the first party. In his cross-examination he has stated that the Union suggested the transfer of Narayanan on the same salary if the Management thought he was inefficient. To further questions in the cross-examination he has stated that neither he nor any official of the Union had written to the Management to say that Narayanan was inefficient and no resolution also had been passed in the Union that Narayanan was inefficient. But it may be noted here that Bernard has not said anywhere in his lengthy cross-examination that Narayanan was quite efficient and he was not responsible for the various complaints that were being made, by the employees against the canteen service. Naturally, Bernard can be considered as an unwilling witness. Even he has not cleared Narayanan regarding the complaints from the workers, with regard to the canteen service.

36. Then comes another incident. Narayanan has admitted that one of his duties was to collect and stock the unserviable materials in the canteen, such as plates, tumblers, etc., as scrap, for disposal. Narayanan used to collect them and keep them on the terrace as scrap. Bernard has stated that the checking up of the scrap was being done by the Management at his instance as the Secretary of the Union. One some day in the middle of 1965, the scrap collected by Narayanan was checked in the presence of Bernard and Venkoba Rao on behalf of the Union and Dr. Goehrum and Mr. Gopinath on behalf of the Management. Sharma was also present then. Sharma has stated that some good and serviceable articles were found in the scrap heaped there. Bernard has admitted this fact. Narayanan has also admitted this incident and stated that Dr. Goehrum took him to task or including good and useful things and articles in the scrap. That such a thing should happen does not speak well of the competence or capacity of Narayanan.

37. Yet another instance of the inefficiency or incapacity of Narayanan has been stated by Sharma. According to him, two important officials were scheduled to visit the MICO factory on a particular day and Narayanan was specifically asked to make catering arrangements for them in the canteen. The Commercial Director Mr. Vacha, after taking the visitors round the factory, went to the canteen with them. It was found that Narayanan had not made any arrangements for serving them with coffee and snacks, at the counter. Mr. Sharma has stated that Narayanan completely let down the Management then, inspite of previous instructions having been given to him to keep arrangements ready for serving coffee and snacks, to them. Narayanan, however, has denied this incident altogether. Sharma has stated further on that Narayanan apologised to the Management then.

38. Then Narayanan has stated that sometime in October 1965 he was taken to the Commercial Manager Dr. Goehrum; Dr. Goehrum then told him that he (Narayanan) was not efficient and hence should resign; he told Dr. Goehrum that he was working efficiently and if given an opportunity, he would explain matters; but Dr. Goehrum told him that if he did not resign, his services would be terminated. According to Sharma, however, when Mr. Gopinath noticed that Narayanan had let down the Management when the visitors had come, he told Narayanan that there was no hope of his (Narayanan) coping up with his duties and that it was high time that he (Narayanan) left the service of the Company. To this Narayanan said that he may be given another opportunity and if he committed another mistake, he was prepared to quit.

Then Gopinath told him that Narayanan may write out his resignation and keep it with him (Gopinath) and forget about and he (Gopinath) would use that letter of resignation, only if he (Narayanan) was guilty of another lapse.

39. Narayanan has spoken of another incident also. He has stated (Para 21) that on 21st September 1965, Sharma took him to the Chief Personnel Officer Gopinath at about 4-30 p.m.; Gopinath then said to him that he was not efficient and that there were lot of complaints against him and asked him to resign; he told Gopinath that he was working efficiently and if there were any complaints, he should be appraised of them and he would explain them; Gopinath then showed him a typed paper, which was purporting to be a letter of resignation and asked him to sign it; Gopinath also told him that if he did not sign the letter of resignation, then his services would be terminated. Narayanan has then stated, after this, he went back to his workspot, without signing the letter of resignation. This story about Gopinath showing a letter of resignation to Narayanan and asking him to sign on it, has been completely denied by Sharma.

40. It appears that Sharma opened three note books in 1965. They are Exts. M. 13, M. 14 and M. 15. Ex. M. 14 has been maintained by Achutan and Ex. M. 15 has been maintained by Narayanan as admitted by him. We may leave out Ex. M. 14. In Ex. M. 15 Narayanan has made various notings about the items to be prepared, complaints against his subordinates, instructions given by him, etc. There is no need to go into the details of his notings. Ex. M. 15 bears on the opening page the title "Canteen Inspection". Below it, Sharma has written to Narayanan—

"This book must be kept with you and after perusal should be passed on to me with your comments, if any"

On the left hand side page, Sharma has made his observations and on the right hand side page, Narayanan has written his remarks. In this book, 25 pages have been written upon and of them, Narayanan has admitted only the first fifteen (15) pages. The entries in the first 15 pages cover the period from 3rd May 1965 to 28th July 1965, Mr. Sharma has noted down the lapses he found in the canteen and Narayanan has written his remarks about them. Observation item No. 5 on page 4 made by Sharma is—

"When one sees the canteen on any morning, invariably one finds empty plates uncleared from previous night. This invariably happens in the ladies room and staff lunch room"

Narayanan's reply to it is :—

“ III Shift Service Assistant has been instructed and this is being cleaned and kept clean in the mornings.”

A few more instances of this type can be gathered from Ex. M. 13. The point to be noted is, that Narayanan has not denied any of them in his replies.

41. To the above may be added another incident. It is stated by Narayanan (Para 38) himself. He has stated that it was true that once in February or March 1965, Commercial Director Vatcha called him ; he went to Vatcha's room ; Sharma was present there ; it was not correct to say that Vatcha took him to task for poor service ; Vatcha only showed him a glass of Coffee and asked him if that was the quality of the coffee served in the canteen ; it was cold ; he told Vatcha that the quality of the coffee was good ; Vatcha said that the quality of the coffee had deteriorated and asked him to look into the matter and he promised to do so.

42. From the evidence discussed so far, we do find that the service at the canteen, under the direct Management of Narayanan was not satisfactory. The workers were complaining about the service, as stated by Bernard. The higher officers were obliged to call Narayanan and tell him to his face that his service at the canteen were not satisfactory and complaints were being received from workers. Dr. Goehrum, Mr. Vatcha and Mr. Martin felt the need of calling Narayanan and telling him about unsatisfactory work. The Management found it necessary to postpone his increments once in 1964 and twice in 1965. Narayanan has tried to explain the postponement of his increment in his own way. He has admitted that increment was normally due to him on 1st June 1964 but it was not given to him. He has stated that he asked Sharma why his increment had been postponed. Then Narayanan has stated that Sharma told him that since he had been given an increment recently, it had been postponed. This is not borne out by the records. The first increase in his pay was on 1st June 1963. No increment was given to him thereafter till 1st August 1964. Then as regards the postponement of increment in June and July 1965, Narayanan has stated that because the previous increment was given on 1st August 1964, the next one was given on 1st August 1965. This statement also can not be accepted in view of the letter Ex. M. 18 issued by the first party union itself.

43. The documents not referred to so far are Exts. W. 9 to W. 15. It appears that the state Government reduced the quota of rice that was being given to MICO factory. Consequently, the

rice served to the employees was less. By Ex. W. 9, dated 19th April 1965 the first party has protested to the Management against it. Ex. W. 10, dated 24th April 1965 is the reply of the Management to Ex. W. 9. Ex. W. 11 is a copy of the proceedings of the canteen committee meeting held on 15th November 1964, wherein some suggestions about the distribution of the available quantity of rice have been made and worked out. Exts. W. 12 and W. 15 relate to the same subject. Ex. W. 13 is the report made by Narayanan to Sharma, complaining about some kitchen staff. Ex. W. 14 is the letter written by the Management to the union on 24th August 1965. The Union has been asked to bring the complaints to the notice of the authorities mentioned therein, without entering into prolonged discussions with the members of the canteen staff. These documents have no direct bearing on the issue under discussion.

44. Now, if we take an over all picture of the entire evidence placed on record and discussed by me above, we find that the Management had a fairly large number of reasonable grounds to be of the view that Narayanan was not able to run the canteen smoothly and efficiently and he was not equal to the task. The management was never of the view that Narayanan was guilty of any misconduct. It was of the view that Narayanan was incapable and incompetent to manage the canteen of such magnitude. This view taken by the Management cannot be said to be unjustifiable and much less baseless or perverse. The evidence does not disclose any other ground or reason for the Management to think of terminating his services. Nobody can deny that it would not be a wise policy on the part of the Management to continue to keep a man in charge of the canteen, when the employees themselves were complaining against the canteen service. The case of the Union is that the Management was keen to get rid of Narayanan in order to bring another high paid officer in his place. It was suggested to Sharma (Para 28) that in May 1965, the Management had inserted an advertisement in the Deccan Herald News Paper stating that it wanted to appoint a person to be in sole charge of the canteen and calling for applications. Sharma has stated that he did not know it. The Union could have produced a copy of the Deccan Herald and proved that such an advertisement had in fact been inserted by the Management. It would have lent some support to its assertion that the Management was keen to get rid of Narayanan. But the Union has not produced it. A new person has been appointed by the Management for the canteen only on 1st July 1966, and Sharma has sworn to this fact. His oath has not been challenged. Moreover, it is admitted on both hands that the Management did offer an alternative job to Narayanan and he declined to accept it, as the salary of that post was less than what he was actually getting at the moment. This gesture on the part

of the Management would suggest firstly that it was not keen on getting rid of Narayanan and secondly it was not acting *mala fide*. There are no grounds to infer victimisation or unfair labour practice in the management's act in terminating the services of Narayanan.

45. The learned representative of the Union, however, has drawn my attention to Standing Order No. 13, whereunder any act subversive of discipline or efficiency is "misconduct" and to Standing Order No. 15, where "neglect of work is also misconduct. After drawing my attention to these two standing orders, he argued that if the allegations of the management are true then, that fall under either of the two Standing Orders mentioned above, and Management ought to have charge-sheeted Narayanan, held a domestic enquiry against him and then proceeded to such orders as it deemed fit. I am, however, unable to agree with him. In capacity to do a job and negligence in doing it can not be equated. Likewise, it is not the case of the Management that Narayanan was guilty of any act subversive of discipline or efficiency. The two Standing Orders have no application to the present case.

46. Then it was urged by Mr. Krishnaiah for the Union, that, the termination of Narayanan's service was punitive in nature. For this proposition, he relied on the decision in the Assam Oil Company case (1960—I—LLJ 587) Therein, the service of an employee was terminated after the employer had given her repeated intimations about her lapses in work and after telling her that the faults pointed out to her had not been corrected and that her performance of her duties was not up to the standard required. In effect, the discharge was for incompetence. The termination was set aside on the ground that it was punitive in nature. But if that was the only ground for termination, then, I could have accepted the arguments of Mr. Krishnaiah. But we find the following observations at page 591 of this report :—

"The evidence given by Mr. Gowan on the whole appears to be straight forward and it leads to two conclusions :—

1. that Mr. Gowan was thoroughly dissatisfied with the work of Miss Scott ;
2. that he did not approve of Miss Scott's conduct in joining the Union.

Since the latter circumstances has at least partially weighed in the mind of Mr. Gowan in terminating the services of Miss Scott, it must be held that the termination is not justified. It would not be open to an employer to dismiss his employee solely or principally for the reason that he or she had joined a Trade Union."

From this decision, therefore, it can not be inferred that termination on the ground of mere incompetence has been held to be punitive. On the other hand, a more recent decision of the Supreme Court suggests the contrary. It is reported in *Tata Oil Mills Co., vs. Their Workmen*, reported in 1965 (2) LLJ 602. Therein the employer was Tata Oil Company and the employee was one Banarjee. The Manager of the Calcutta Office of the Company, to whom Banarjee was a subordinate was of the view that Banarjee was not working satisfactorily as a salesman. He also found that Banarjee had made a false report to the Company. Banarjee's explanation was called for. The Manager of the Calcutta office did not find it satisfactory. Thereupon the Company discharged Banarjee from service under one of its Standing Orders, without chargesheeting him or holding any domestic enquiry. When the termination was challenged by raising an industrial dispute, the Labour Court made an award directing the reinstatement of Banarjee. The Supreme Court set aside the Award, holding that the termination was a discharge simpliciter and it was not tainted with any *mala fides*, victimisation or unfair labour practice. Making a false report to the employer is, by any standard, a gross misconduct. Even then, the case of the employer of a discharge simpliciter, has been accepted. The observations in *A.C.C. Ltd., vs. Sharma* (1965 I LLJ 433) support the same view, to some extent.

47. Another question that arises in all such cases is whether the subjective satisfaction of the employer that his employee is inefficient or incompetent is sufficient to discharge him or whether it is incumbent on the employer to prove his incompetency or inefficiency objectively by leading evidence in this court. When this question was posed by me to Mr. Krishnaiah, he urged that the employer must prove it by leading evidence in the court and in support of his argument he relied on the decision of the Supreme Court reported in *L.I.C. of India Vs. Sunil Kumar Mukherjee* (1964—I LLJ 442). After going through this decision carefully, I think that it does not cover the question posed and does not support Mr. Krishnaiah.

48. After carefully considering the entire evidence placed before me, I am of the view that order passed by the Management terminating the services of Narayanan is not *mala fide* nor punitive nor tainted with a spirit of victimisation nor amounts to unfair labour practice. It is a discharge simpliciter, passed in the *bona fide* exercise of a management function, under a certified Standing Order. I would, therefore, record my finding on the first issue against the first party Union. It follows that the aggrieved workman Narayanan is not entitled to be reinstated. Hence, I record my finding on the second issue accordingly.

49. In the result, therefore, I make an Award as follows :—

AWARD

The Reference is rejected. The demand made by Sri J. V. Narayanan and the first party union on his behalf, for his reinstatement is also rejected. Parties do bear their own costs.

(Sd.) P. T. KADKOL,
*Presiding Officer,
 Labour Court, Bangalore.*

“ Copy ”

.....
*Presiding Officer,
 Labour Court, Bangalore.*

ORDER.

Bangalore, dated 31st August 1967.

S.O. No. 1813.—WHEREAS by State Government Order No. LMA 190 LLD 66, dated 23rd May 1966, the Industrial Dispute between the Workmen and the Management of M/s. Motor Industries Co., Ltd., P.B. No. 93, Bangalore-1, was referred to the Labour Court, Bangalore, for adjudication.

~~AND WHEREAS~~

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 190 LLD 66.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,

Under Secretary.

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of M/s. Rangalakshmi Textiles, Hanumanthanagar, Bangalore-4.

Award of the Labour Court, Bangalore—published.

Read the following papers :—

(1) Letter No. 640/67-63, dated 4th September 1967 from Shri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated 4th day of September 1967.

Present

Sri P. T. Kadkol, B.Sc., LL.B.

Presiding Officer.

Reference No. 63 of 1966.

The Workmen represented by the Secretary, Bangalore District Textile Workers' Union, Arcot Sreenivasachar Street, Bangalore-2
... *I Party.*

Vs.

The Management of M/s. Rangalakshmi Textiles, Hanumanthanagar, Bangalore-4
... *II Party.*

Reference :

Government Order No. LMA 200 LLD 66, dated 23rd May 1966.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the Workmen and the Management of M/s. Rangalakshmi Textiles, Bangalore have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 200 LLD 66, dated 23rd May 1966, setting out the following points of dispute for adjudication:—

“(1) Is the Management of Sri Rangalakshmi Textiles, Hanumanthanagar, Bangalore justified in refusing employment to Sri N. Papaiah an employee the concern ?

(2) If not, is he entitled for reinstatement with benefits of continuity of service and back wages or any other reliefs ?”

2. The cause of the aggrieved workman has been sponsored by the Bangalore District Textile Workers' Union, Bangalore which is a registered trade union. This Union as representing the workmen is the first party and the management of M/s. Rangalakshmi Textiles is the second party in this proceeding.

3. In response to the notice issued by the Court the first party has put in its statement of claims dated 26th August 1966 and the management of the second party has put in its statement of objections dated 31st October 1966. On the basis of these pleadings several issues were framed and set down for hearing (*Vide* Order Sheet) on 23rd November 1966.

4. When the case came up for hearing before me on 21st March 1967, the representatives of both parties appeared and submitted a joint memo of settlement, which was marked as Ex.A and prayed for an award in terms thereof. I have gone through the terms of settlement and find that the management has agreed to pay a sum of Rs. 200 in full and final settlement of all the claims of the aggrieved workman. I am of opinion that the above

terms are fair and proper and I accept them. In the result I proceed to pass an award as under :—

AWARD.

Reference is accepted. An Award is made between the parties in terms of the memorandum of settlement Ex. A which should be annexed to this Award and be deemed as forming part thereof. I Order no costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE LABOUR COURT, BANGALORE.

Reference No. 63 of 1966

The Workmen of M/s. Rangalakshmi Textiles, Bangalore.

... *I Party.*

Vs

The Management of Rangalakshmi Textiles ... *II Party.*

Joint Memo of Settlement.

(1) In complete satisfaction of all the claims in the above reference, the second party offers and the first party accepts a sum of Rs. 200 (Rupees Two Hundred) only. The II Party shall pay the amount within 1 month from today. An Award may be passed accordingly.

Bangalore.

21-3-1967.

K. Subba Rao,
Adv. for I Party

P. R. Narayanaswamy,
Adv. for II Party.

S. Gangadharappa,
II Party by its Proprietor.
N. Papaiah,
I Party workman.

Filed, Recorded
and Marked Ex. A.
Intd. P. T. K.
21-3-67.

“ Copy ”
P. T. KADKOL
Presiding Officer,
Labour Court, Bangalore.

ORDER.

Bangalore, dated 14th September 1967

S. O. 1814 — WHEREAS by State Government Order No. LMA 200 LLD 66, dated 23rd May 1966, the Industrial Dispute between the Workmen and the Management of M/s. Rangalakshmi Textiles, Hanumanthanagar, Bangalore-4 was referred to the Labour Court, Bangalore for adjudication ;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 200 LLD 66.]

By Order and in the name of the Governor of Mysore,

1097

G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE

LABOUR AND MUNICIPAL ADMINISTRATION

DEPARTMENT (LABOUR).

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Steel Construction Co., (P) Ltd., Bangalore-4.

Award of the Additional Industrial Tribunal, Bangalore—published.

Read the following papers :—

(i) Letter No. A.I.T. No. 508-9/67-68 dated 8th September 1967 from Shri V. C. Ramachandran, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL.
BANGALORE.

Dated 5th September 1967.

Present :

Sri V. C. Ramachandran, B.A., B.Sc., (London.),

Bar-at-law.

Presiding Officer

A. I. D. No. 24 of 1966.

Sri K. N. Sreekantiah, Steel Construction Co., (P) Ltd.,
Hardinge Road, Bangalore-4. ... *First Party.*

Vs.

The Steel Construction Co., (P) Ltd., Hardinge Road,
Bangalore-4. ... *Second Party.*

Appearances :

For the First Party.—Sri M. Krishna Murthy, Advocate,
Bangalore.

For the Second Party.—Sri V. L. Narasimha Murthy, Advocate,
Bangalore.

Reference:

G.O. No. LMA 353 LLD 66, Bangalore, dated 30th July 1966

A W A R D.

This is a Reference made by the Government of Mysore, under G. O. No. LMA 353 LLD 66, dated 30th July 1966 of an industrial dispute between workman and the management of Steel Construction Co. (P) Ltd., Bangalore-4, for adjudication, under Section 10 (1) (d) of the Industrial Disputes Act, 1947. It was originally referred to the Industrial Tribunal, Bangalore and subsequently by an Order No. LMA 595 LLE 66, dated 29th November 1966, it was transferred to this Additional Industrial Tribunal, and it was taken on file and registered as A. I. D. No. 24 of 1966. The dispute referred to this tribunal is whether the dismissal of one K. N. Sreekantiah by the management of M/s. Steel Construction (P) Co., Ltd., Bangalore-4, is justified and if not, to what relief the worker is entitled?

2. This is an individual dispute between Sreekantiah and the management of Steel Construction Co. (P) Ltd., Bangalore-4 which will hereinafter be referred to as the Company and the worker Sreekantiah will be referred to as the I Party. The I Party joined service under this company in November 1945 on a salary of Rs. 35 per month and his services were terminated on 4th March 1964 after a period of 19 years. In the year 1953 the I Party was sent to Bhadravathi in connection with a contract work undertaken thereby the Company, but according to him he was asked to do cooking and other menial work which he refused to do. He was discharged from service on 15th May 1953 but later on he was re-employed temporarily as a special case, as an Attender. He was not given the Provident Fund benefits from 1953 to 1955 and he complained and agitated against his exclusion from the Provident Fund benefits. According to the I Party, his dismissal from service was an account of this agitation. A number of false and unfounded charges were framed against him and according to him a false of an enquiry was held lasting for about eight months. The enquiry which was held in the downstairs of the factory was suddenly shifted to the upstairs of the office and as he could not climb the stairs, he was unable to be present during the enquiry which was later concluded *ex-parte*. The conclusion of the Enquiry Officer that he was guilty of the charges framed against him, the I Party submits, was completely baseless and perverse. He claims therefore that he is entitled to be reinstated with all consequential benefits viz., emoluments up to the date of reinstatement from the date of dismissal and the salary for the suspension

period together with the benefits of increments etc., to which he is entitled.

3. The Management of the Company resisted the claims made by the I Party on various grounds. Firstly that as it is an individual dispute and not an industrial dispute, the Reference is liable to be rejected. Secondly that the allegations of *mala fides* are untrue and thirdly that the enquiry was conducted according to the principles of natural justice and there was no attempt to victimise the I Party or resort to any unfair labour practice. The I Party has a bad record of service of habitual late attendance in spite of several previous warnings. On 22nd March 1964 the I Party is alleged to have trespassed into the Office, insulted and threatened the Personnel Officer of direct consequences, and abused the management in an insulting and insolvent manner, and a complaint has been preferred to the Inspector of Police, Central Police Station for taking action against him. The II Party submits that the relief of re-instatement claimed by the I Party is untenable and undesirable and should not be granted in the interest of cordial relationship between the labour and the management. The management pray that the Reference be rejected.

4. The following issues framed in the case.

- "1. Is this Reference being only an individual dispute contrary to the Industrial Disputes Act and the Government has no right to make this Reference ?
2. Is it bad being belated ?
3. Has this tribunal no jurisdiction to try this dispute ?
4. Is the enquiry held not proper, not legal and does it not satisfy the principles of natural justice ?
5. Has there been misconduct as alleged by the II Party ?
6. Is the dismissal wrongful and unjustified as pleaded ?
7. Is the I Party entitled to the reliefs sought for ?
8. To what relief is the I Party entitled ?"

So far as the 1st issue is concerned, an order was passed on 28th December 1966 holding that the Reference, although of an individual dispute, is not contrary to the Industrial Disputes Act and the Government of Mysore is competent to make this Reference and this tribunal has Jurisdiction to try this dispute. That order answers Issues Nos. 1 and 3.

5. Although the I Party has been working in the II Party company for nearly 19 years, the relationship between him and the II party has left much to be desired. He was always having differences with the management and has been throughout irregular in his attendance and invariably coming late to the Office and not doing work that was allotted to him. The correspondence that has been produced between him and the management, and it has been a very lengthy correspondence shows the state of affairs that existed in the company *vis-a-vis* the I Party and the management. The entire trouble seems to have started in the year 1953 when the I Party was taken to Bhadravathi with the Officers who had gone there in connection with some contract work with the Iron and Steel Works. The allegation of the I Party is that he was made to cook and attend to comforts of the Officers, which as a clerk employed by the company, he was not bound to do. The Company however served a charge sheet on him alleging that complaints had been received from several quarters against his unsatisfactory behaviour and that from the enquiries made he was found to be guilty of misbehaviour and he was discharged from service with effect from 15th May 1953 with one month's salary. The I Party sent a letter of apology on 21st May 1953 and he was taken back and appointed as an Attender temporarily for a period of three months with effect from 6th June 1953. The next incident was the service of a charge sheet on 28th November 1958 alleging that the I Party had been habitually attending office late in spite of repeated warnings in that behalf and neglect of duties entrusted to him. The management found the charge proved and issued a memo to the effect that he is severely warned and any act of indiscipline and misconduct on his part in future would entail severe disciplinary action being taken against him by the management. The I Party gave an assurance on 20th November 1958 that he would come to the office very regularly from that day onwards and that he would carry on the work to the satisfaction of the management and that he might be excused. In spite of that, he persisted in coming late to the office. The management issued another notice to him saying that he has been habitually attending office late in spite of several warnings and that he has not been attending to his work promptly and that his work has been very unsatisfactory. By a letter dated 31st March 1959 the I Party was given a last chance till the 10th of April 1959 to improve himself and that if he failed to improve his conduct and attend to his work promptly, the management would be obliged to terminate his services and the I Party was to take that as a final

notice of warning. The I Party again apologised by a letter dated 31st July 1959 saying that he may be excused for his past late commings and that henceforward he would come to office in time. He had again written on 31st March 1960 that due to unavoidable circumstances he was coming late and that from that day onwards he would come to office regularly. On 2nd August 1960 another charge sheet was served upon the I Party alleging that he was habitually attending office late and failed to perform his duties. An enquiry was held and the I Party had given a letter dated 19th August 1960 again repeating that he would come to office regularly and that if he failed to attend regularly within one week he could be discharged without any consideration and that it was a final request he was making. The Management warned him again both for his irregular late attendance as well as for his neglect of duty. That seems to have not improved matters and another charge-sheet was served upon him on dated 25th December 1961 again alleging neglect of duty and unsatisfactory attendance. The I Party gave an undertaking dated 29th December 1961 praying that he may be excused and that he would not give room for such conduct in future and that he would come to office as per office hours in future and would attend to his duties promptly not giving room for such complaints and further if there was any irregularity in his attendance or negligence in his duties, he may be dismissed from service. The management again excused him with a severe warning that if such neglect of duty or misconduct is noticed in future, he would be dismissed from service without notice. Even that did not improve matters because on the 16th March 1962 the I Party absented himself during office hours at 9-30 A.M. and returned at 11-30 A.M. and was found to be coming late every day and not doing his work properly. The I Party prayed for excuse again and said that severe disciplinary action may be taken if he gave room for such complaints in future, as per his letter dated 28th March 1962. Again another charge-sheet was issued to him alleging late attendance and neglect of duty on 19th June 1962 and he was warned on his undertaking to attend office promptly in future, given on 9th August 1962. He was again warned by the management and one increment was also given to him. On 5th December 1962 he was again absent from office from 2-30 to 5 P.M. and his explanation was called for. The I Party said that he was not well and he prayed that he might be excused and that he would not give room for such complaints in future. That is the history of the I Party and the management up to the date of the present charge-sheet. The I Party does not dispute the letters given by him to the management, but states that

they were taken by threats, but no evidence is forthcoming of such threats except is *ipsie dixit*. Hence the fact remains that till about the time of the present charge sheet, the attendance, work and behaviour of the I Party was far from satisfactory and his record of service, to say the least, has been extremely unfavourable. It is in this background that the charges now levelled against him have to be viewed.

6. The charges levelled against the I Party which culminated in his dismissal from service are four in number. Firstly that the I Party behaved in an insubordinate and insolent manner with the Manager of the Company on 30th May 1963 when the Manager questioned him about his absence from duty. Secondly that he has been habitually attending late between 9th August 1962 and 25th March 1963. Thirdly that he has been negligent in his duties of writing up the E.S.I. contribution cards and fourthly that he has falsely marked his attendance in the attendance register on 25th July 1963. The Enquiry Officer has found that all these four charges have been proved and that is a finding on a question of fact with which this tribunal cannot interfere. The jurisdiction of this tribunal is limited to ascertaining whether the evidence adduced before the Enquiry Officer justifies the conclusions reached by him and not whether that is the only conclusions that could be reached on the evidence placed before him. Keeping that principle in mind I have no hesitation in stating that there is evidence adduced before the Enquiry Officer justifying the conclusions reached by him that the I Party was guilty of the charges levelled against him. During the enquiry it has been proved by the Time-keeper that the I Party has been habitually coming late to office during the period in question. The late attendance is admitted by the I Party himself who has signed in the Attendance Register and noted the time of his arrival to the office. The insolent and insubordinate behaviour of the I Party is spoken to by the Manager of the Company Sri Keshaviah who has deposed before the Enquiry Officer that when he questioned the I Party as to why he was not in his seat after marking his attendance, the I Party said that he had no authority to question him as to where he had gone, and that the Manager was paid Rs. 400 per month and that if the same salary was paid to him, he would also come to office promptly and do his work. It is also in evidence of Keshaviah that the I Party had wrongly marked in the Attendance Register on 27th May 1963 as 1-15 P.M. although he came to the office at 1-35 P.M. and that he left the office at about

1-45 P.M. and came back only at 4-30 P.M. It is also in the evidence that reminders had been issued from the Regional Director, E.S.I Corporation, Bangalore, regarding submission of 'B' set Contribution cards which had not been prepared by the I Party. The evidence of Keshaviah if believed, brings home the guilt to the I Party of the charges levelled against him. As against the evidence adduced before the Enquiry Officer the I Party has neither examined himself nor has he adduced any evidence. In those circumstances the irresistible conclusion that the Enquiry Officer could reach was that the I Party was guilty of the charges and his conclusion cannot be interfered with by this tribunal.

7. The conclusion reached by the Enquiry Officer can be set aside by this tribunal only on four grounds Firstly that the procedure followed by the Enquiry Officer in the conduct of the enquiry is against the principles of natural justice. Secondly that there has been *mala fides* on the part of the management and the dismissal was an act of victimisation or unfair labour practice. Thirdly that the order passed by the management is against the Standing orders of the Company and not in accordance with law and Fourthly that there is no *prima facie* or sufficient evidence and the conclusion reached by the Enquiry Officer is so perverse that no reasonable man can concur with him. The learned counsel for the I Party contended that the principles of natural justice have not been followed by the Enquiry Officer. Firstly because certain documents which the I Party had sought for, were not made available to him and secondly because the Enquiry Officer Anandara, has been both judge and witness to the incident and thirdly because sufficient opportunity was not given to him to tender his evidence and the evidence of his witnesses. In my view none of these contentions has any force. The Enquiry Officer has gone out of the way to cater to the whims and fancies of the I Party who has been adopting throughout the enquiry proceedings, dilatory and obstructive tactics. He was coming late on all days of enquiry and had shown very little regard and respect to the Enquiry Officer and the witnesses. A mere perusal of the Order Sheet shows to what length the I Party has gone in obstructing the progress of the enquiry. His plea that the documents were not given to him, is not borne out by the order sheet. On 14th January 1964 the I Party wanted the documents mentioned in in lists A and B and the concerned 'TO' Register and the Attendance Register to cross examine Keshaviah. They were furnished to him for verification and the I Party verified the

Registers till 5 P. M. and the case was adjourned. He has cross examined Keshaviah on no less than 8 days. The next objection to the enquiry was that the Enquiry Officer was also a witness to the incident. No such objection seems to have been taken during the enquiry and even the evidence does not disclose that the Enquiry Officer Ananda Rao was present when Keshaviah was being abused. According to Keshaviah, Ananda Rao came to the scene subsequently. The sequence of events according to Keshaviah is that it started with his questioning the I Party about 9—30 A.M. in the presence of the Managing Director and Nagesha Rao Mane. The next sequence is the Managing Director Questioning him (the I Party) as to why he came late. Keshaviah does not say that Ananda Rao was present during his questioning the I Party. Nor was he present when the Managing Director questioned him. It is only subsequently that the Managing Director asked Ananda Rao to enquire into the matter and report to him. Hence, it is idle for the I Party to contend that Ananda Rao, the Enquiry Officer was a witness to the incident nor was this plea taken at any time previously. So far as the final proceedings having been conducted *ex parte*, it is the I Party himself who has to shoulder the blame. The I Party was intimated that the enquiry would be continued in the Office Room Upstairs on 7th February 1964. He deliberately refused to go upstairs. The Stores Attender was again sent to inform him to attend the enquiry in the room upstairs and the I Party refused to go upstairs. The plea of the I Party is that he was suffering from piles and palpitation of heart. The doctor however says that he has had no cardiac trouble. It is extremely strange that the I Party who had been attending to his office in the Upstairs, had suddenly found himself unable to climb the stairs. His absence is a deliberate act in pursuance of his dilatory and obstructive tactics. The principles of natural justice insist only on an opportunity being given to the delinquent to put forth his case and to examine his witnesses. But if the delinquent refuses to avail himself of the opportunity and deliberately keeps himself from taking part in the enquiry, it cannot be said that his nonparticipation in the enquiry in those circumstances led to a violation of the principles of natural justice. I am therefore of the view that there is no force in the contentions put forth that the principles of natural justice have been violated in the enquiry.

8 The second argument advanced by the learned counsel for the I Party is that the dismissal smacks of *mala fides* and victimisation. It must be remembered that the I Party is not a member

of any trade union and his evidence before this tribunal shows that he joined the Union whenever he wanted help from it and left his connection with the Union as soon as he received such help. So it is a case of individual conflict of the I Party with the management. The I Party made much of an error on the part of the management in not remitting the Provident Fund amounts to the authorities in time and he had started writing abusive letters to the management as well as to the Provident Fund authorities in regard to that matter. But the curious part of this agitation about the Provident Fund contribution is that it sees the light of the day only after the enquiry against the I Party had commenced. Although the failure to remit the Provident Fund amount took place between 1953 and 1955 and although in subsequent years it was the I Party who was preparing the Provident Fund list of the company, it never seems to have occurred to the I Party to rake up this matter till the incident which led to his dismissal. The I Party seems to have no respect for any one including the Regional Provident Fund Commissioner to whom he writes long after the order of his dismissal as per Ex. M 56 as follows:—

“You have covered matters represented by me in my said letter to you dated 20th April 1964 without actually understanding the contents thereof or even if you have actually understood the same with a view to cover up your faults and negligence of duty in not instituting and taking prompt action against the offenders of Law.”

The tone of the other letters written to the management as well as to the officials on the same vein was with a view to make out a point later on that all these persons had conspired against him to bring about his dismissal. The learned counsel for the I Party also contended that the severity of the punishment is also an indication of the *mala fides* of the management and the victimisation to which the I Party has been subjected to. Normally, punishment is an act of the management and not of this tribunal. It is not doubt true, that severe punishment for a trivial act is presumptive of *mala fides*. But taking the history of the I Party during his service in the company and his past conduct and attendance and efficiency with which he carried on his duties, it cannot be said by any stretch of imagination that the dismissal from service is a punishment out of all proportion to the magnitude of the offence committed by him. If it were an isolated incident of disobedience, late attendance, or neglect of duty, it could have been considered too severe that it should entail dismissal from

service. But the cumulative effect of 20 years' unruly behaviour, habitual late attendance and inefficient work will take the management to no other punishment than that of dismissal. It must also be pointed out that this tribunal is not an Appellate Authority over the disciplinary action taken by the management. If the action taken is *bona fide* for the purpose of maintaining discipline in the company, the tribunal will be very reluctant to interfere with the orders passed by the management.

9. It was next contended that the action taken by the management is not in accordance with the Standing Orders and in support of that contention it was pointed out that the standing orders in force in the company are those in Ex. W 9 according to which the dismissal can only be for misbehaviour, cheating etc., under Rule 8 and late attendance can only result in loss of wages, and not in dismissal. The management said that the Standing Orders which are now in force in the company are the model Standing Orders prescribed under rule 3(1) of the Mysore Industrial Employment (Standing Orders) Act, 1946 Rules, 1961. In those Standing Orders, habitual late attendance is a misconduct which may be furnished by dismissal without notice or any compensation in lieu of notice under rule 15. Habitual negligence or neglect of work is also a misconduct and any act subversive of discipline is a misconduct. But even assuming for a moment that the company is governed only by the Standing Orders Ex. W9, it would be noticed that misbehaviour is a misconduct and the punishment for the other misconduct or misbehaviour would depend upon its intensity and also on previous record of service and the length of service. Misconduct is defined in these Standing Orders and the punishment is prescribed only for isolated instances of late attendance or absence without permission. There is no reference in the Standing Orders with regard to punishment for habitual late attendance and habitual neglect of duty or act subversive of discipline. In the absence of any specific recitals with regard to those offences in the Company's Standing Orders, which are not by any means exhaustive, we have to follow the Model Standing Orders for offences not mentioned in the Company's Standing Orders. As stated before, under the Model Standing Orders these three offences amount to misconduct entailing dismissal from service.

10. The last point put forward by the learned counsel for the I Party is that there is no *prima facie* case and the conclusion reached by the Enquiry Officer is perverse. But for the reasons

already stated, I find no substance in these contentions. There is evidence justifying the finding of the guilt of the delinquent with regard to these charges.

11. If the enquiry is not vitiated because of any infirmity in those proceedings and if there is absence of *mala fides* or victimisation or unfair labour practice and if the order of dismissal is according to law and if the findings are based on evidence which justifies them, there is nothing further to be done and no interference with the order passed by the management is called for. Even assuming for a moment that the enquiry proceedings suffer from one or the other of the infirmities mentioned above, there is evidence adduced before this tribunal which justifies the action taken by the management. The I Party has examined only himself with regard to the charges while the other witnesses examined by him are with respect to Provident Fund contributions with which we are not at all concerned. The I Party's version of the incident is that he was being abused by the Managing Director who is alleged to have called him 'Madarchod' and he accused the Managing Director of discrimination. As against the sole testimony of the interested I Party, there is the evidence of Keshaviah and Gangoji Rao who were present when the incident took place. Gangoji Rao, against whom nothing is alleged, deposes that when the manager Keshaviah questioned him about his late coming, the I Party said that he was no one to question him and that there were the Directors to ask him. Keshaviah says that when he questioned the I Party for his going away without permission, the I Party said:—

“ You have no authority to question me, you keep quiet, you are paid Rs. 400 and if the same amount is paid to me, I shall do work promptly. You are fortunate to get the job. Do you know ? ”

Those words addressed to a superior officer like the manager of the company are certainly not conducive to the discipline in the office nor will they promote good relationship between the co-workers. The Manager has every right to question those working under him about their duties. The way in which the I Party has answered those questions amounts to an act subversive of discipline. So far as late attendance is concerned, the I Party admits that he has

been coming late to the office. But his excuse seems to be that others also were coming late and that he had other work of the company to do which took him outside the office premises. The defence of the I Party cannot be said to be valid as the late coming of the others is no concern of his and there is nothing to indicate that he was being sent outside for any official work. On the contrary all his letters and undertakings and his answer to the charge sheet do not indicate that he was being sent out at any time on official duty. His main plea was that he was singled out for coming late and action taken against him while others were allowed to go scot-free. But others state that they had work outside which made them come late to the office. Gangoji Rao for instance, was attending to Bank work in the mornings and Keshaviah had taken permission for coming late. They had probably good reasons for coming late while the I Party seems to have had none. He had been warned a number of times against his late coming and no improvement was seen in his attitude to work. There is also evidence that he had made a false entry in the Attendance Register and that he had not filled up the E. S. I. cards for which reminders had been issued by the Company. Even assuming that the last two charges had not been satisfactorily established, it cannot be denied that the first two charges have been proved to the hilt. The insolent and disorderly behaviour of the I Party together with his habitual late attendance during the period in question are acts which could not be lightly looked upon by the management and they deserved the punishment that the management have inflicted *Viz.*, dismissal from service.

12. The parties have relied upon a number of decisions which have a bearing on this case and it may be necessary to refer to only a few of them which throw light on the principles which govern the interference by tribunals with the orders of dismissal passed by the management. In 1959 (II) LLJ page 80 following observations are made at page 84 by the Madras High Court:—

“ One must remember certain facts. The responsibility for the conduct of an enterprise rests squarely on the management. The responsibility for maintaining discipline is also on the management. One management may be slack and indulgent. Another may be strict. The Industrial tribunal is not a court of appeal in disciplinary matters.”

In 1962 (I) LLJ 656 at page 660, Bhatt (Major U. R.)-vs-Union of India, the Supreme Court has made the following observations :—

“ The Enquiry Officer had afforded to the Appellant an opportunity to remain present and to make his defence. It is true that all the witnesses of the State who could have been examined in support of their case were not examined *viva voce*, but that was because of the conduct of the appellant who declined to participate in the the enquiry. He declined to take part in the proceedings and the Enquiry Officer was, in our view justified in proceeding to act upon the materials placed before him. Once the appellant expressed a desire not to take further part in the proceedings of the enquiry officer, that officer was entitled to proceed *ex parte* and to act upon the materials placed before him. The enquiry made by the Enquiry Officer cannot, therefore, be challenged either on the ground of unfairness or incompleteness.”

In 1962 (II) LLJ 772 at page 776, the Supreme Court has reiterated that in dealing with industrial disputes an industrial tribunal would be justified in characterising the findings recorded at the Domestic Enquiry as perverse only if it is shown that such a finding is entirely opposed to the whole body of evidence adduced before it. 1963 (I) LLJ page 291 is an authority for the proposition that the relations between the employer and the Union being not happy and the workmen concerned were Office-bearers or active members in the Union would by itself had no evidence to prove victimisation for, if that were so, it would mean that the Office-bearers and active workers of a Union with which the employer is not on good terms would have *carte blanche* to commit any misconduct and get away with it on the ground that the relations between the employer and Union were not happy. If, in that decision, the word ‘workmen’ is substituted for the word ‘Union’ the principle to be derived is that the unhappy relationship between the employer and its workman is by itself no proof of victimisation.

13. Taking into consideration the facts adduced in this case and the principles of law to be applied, I find the dismissal order justified and answer the Issues as follows :—

Issue No. 2.—No reason is shown as to why the Reference should be rejected as being belated. It is no doubt true that there

has been considerable delay in this Reference, but that by itself is no ground for rejecting it.

Issue No. 4.—The enquiry held was proper, legal and it satisfies the principles of natural justice.

Issue No. 5.—There has been misconduct as alleged by the II Party.

Issue No. 6.—The dismissal is justified and is not wrongful.

Issue No. 7.—The I Party is not entitled to the relief sought for by him.

14: In the result I am of the view that the I Party is not entitled either to reinstatement or to any compensation. It may be stated that the I Party has himself to blame for his downfall being prone to take a very cantankerous attitude towards his superiors in the Company. It may at the same time be mentioned that he has put in some years of service and is suffering from some physical infirmity and has a large family to support. During the course of the proceedings before this tribunal, a generous offer was made by the management without prejudice to the case before this tribunal. The I Party declined to accept it. It is to be hoped that the management will keep in mind that offer in spite of their success on the merits of the case.

15. With these observations I part with case and make the following :—

AWARD

The Reference is rejected and the I Party is not entitled to any of the reliefs claimed by him. There will be no order as to costs in the circumstances of the case.

V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.

5—9—1967

ORDER

Bangalore, dated 18th September 1967.

S. O. 1815.—WHEREAS by State Government Order No. LMA 353 LLD 66 dated 30th July 1966, the Industrial Dispute between the Workmen and the Management of Steel Construction Co. (P) Ltd., Hardinge Road, Bangalore-4 was referred to the Industrial Tribunal Bangalore for adjudication.

WHEREAS by Order No. LMA 595 LLE 66 dated 29th November 1966, the dispute was transferred to the Additional Industrial Tribunal Bangalore.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 353 LLD 66.]

By Order and in the name of the Governor of Mysore,

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT
(LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. John Fowler (India) Ltd., Bangalore-1.

Award of the Labour Court, Bangalore—Published.

Read the following papers.—

(1) Letter No. 633/67-68, dated 2nd September 1967, from Sri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR
COURT, BANGALORE.

Dated this 2nd day of September 1967.

Present : .

Sri P. T. Kadkol, B.Sc., LL.B. ... Presiding Officer.

Reference No. 60 of 1967

Workmen represented by the Secretary, John Fowler
Employees' Union, P. B. No. 57, Bangalore-1 ... *I Party*

Vs.

The Management of M/s. John Fowler (India) Ltd., Bangalore-1.
... *II Party.*

Reference

Government Order No. FCL 488 LLD 67, dated 29th July 1967.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of M/s. John Fowler (India) Ltd., Bangalore, have referred it to this Court for adjudication under Section 10 (1) (c) of the Industrial Disputes Act, 1947, by their Order No. FCL 488 LLD 67, dated 29th July 1967, setting out the following points of dispute for adjudication :—

‘I. Is the management justified in dismissing Sri T. S. Nagaraj from 25th November 1966.

II. If not, to what relief he is entitled?"

2. The case of the aggrieved has been sponsored by the John Fowler Employees' Union, Bangalore which is a registered Trade Union. This Union as representing the workmen is the first party and the Management of M/s. John Flower (India) Ltd., is the second party in this proceeding.

3. In response to the notices issued by this court, both parties appeared before me on 22nd August 1967. The first party appeared through Mr. M. C. Narasimhan and the second party through Mr. B. R. Puttananjappa. Both the parties have given a joint memo Ex. A stating that the present reference may be rejected as an identical reference relating to the termination of the services of Nagaraj has been made by the Government to the Additional Industrial Tribunal, Bangalore and it is pending disposal there. Acting on this memo I make an Award as under:—

AWARD

This reference is rejected as requested by both the parties in the joint memorandum Ex. A. which should be annexed to this Award and be deemed as forming part thereof. No order as to costs.

(Sd.) P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

"Copy"
P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

BEFORE THE HONOURABLE LABOUR COURT,
BANGALORE.

Reference No. 60 of 1967.

Workmen

... *I Party.*

Vs.

M/s. John Fowler (India) Ltd.,

... *II Party.*

Joint memo of the parties.

The Parties abovenamed beg to state as follows:—

The present reference is in respect of the dispute arising out of the dismissal of Mr. T. S. Nagaraj by the second party.

The parties submit that the very same matter has already been referred by the Government to the Additional Industrial Tribunal, Bangalore and has been registered as Reference A.I.D. 14/67 and that reference is pending.

In view of this both parties pray that this reference may be rejected.

Bangalore dated 22nd August 1967.

Representing I Party
(Sd.) M. C. Narasimhan.

Filed, marked Ex. A.

Intd. P. T. K.

22/8

Representing II Party
(Sd.) B. R. Puttananjappa,

(Sd.).....

Personnel Officer.

" Copy "

P. T. KADKOL,

Presiding Officer,

Labour Court, Bangalore.

ORDER

Bangalore, dated 14th September 1967.

S. O. 1816.—WHEREAS by State Government's Order No. CL 488 LLD 67, dated 29th July 1967 the Industrial Dispute between the Workmen and the Management of M/s. John Fowler (India) Ltd., Bangalore-1, was referred to the Labour Court Bangalore for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*

[No. FCL 488 LLD 67.]

By Order and in the name of the Governor of Mysore,

1098

G. G. PUROHIT, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management, Ganesh Picture House, Mysore.

Award of the Labour Court, Bangalore—published.

Read the following papers :—

(1) Letter No. 651/67-68, dated 5th September 1967 from
Sbri P. T. Kadkol, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT,
BANGALORE.

Dated this 5th day of September 1967.

Present :

Sri P. T. Kadkol, B.Sc., LL.B.

... *Presiding Officer.*

Reference No. 125 of 1966.

Workmen represented by the Secretary, Mysore Division
General Labour Union, Clock Tower Square, Mysore-1

... *First Party.*

Vs.

The Management, Ganesh Picture House, Mysore.

... *Second Party.*

Reference : Government Order No. LMA 475 LLD 66, dated 28th
October 1966.

AWARD

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Ganesh Picture House, Mysore, have referred it to this Court for adjudication, under Section 10(1) (c) of the Industrial Disputes Act, 1947, by their Order No. LMA 475 LLD 66, dated 28th October 1966 setting out the following points of dispute for adjudication.—

“Is Sri Venkataraju, Gate Keeper, Ganesha Picture House, Laxmipuram, Mysore-4 entitled for re-instatement with back wages and continuity of service? If not, to what other relief he is entitled to?”

2. The cause of the aggrieved workman Venkataraju has been sponsored by the Mysore Division General Labour Union Mysore which is a registered trade union. This Union as representing the workmen is the first party and the management of Ganesh Picture House is the second party in this proceeding. The Union is represented by Mr. S. R. Sastry and the management has not cared to put in any effective appearance.

3. A notice was issued by this court to the first party to submit its statement of claims on 3rd January 1967 and send a copy thereof to the second party and calling upon the second party to submit its statement of objections on 18th January 1967. The notices were duly served on both the parties. At the request of the first party, time for submission of the statement of claims was extended and it put in the statement of claims on 18th January 1967. On 18th January 1967 the second party sent a letter to this court by post. The letter is dated 17th January 1967. Therein it was said that it was not aware of any dispute between its workmen and itself and hence it did not find any necessity to file any statement of objections. It also complained therein that the first party had not sent to it its statement of claims. As this letter dated 17th January 1967 was not in the nature of a statement of objections, another notice was issued to the second party by post to submit its statement of objections. In response thereto, the second party wrote another letter to this court on 27th February 1967. Therein it said that it had received the claim statement submitted on behalf of Venkataraju and it also persisted in saying that there was no dispute between its workmen and itself. The letters dated 17th January 1967 as well as 27th February 1967 are

signed by one Mr. K. Aprameya on behalf of the management of the second party. Thereafter the matter was fixed for evidence in Mysore Camp on 3rd April 1967 with notice to both the parties. On that day also none appeared for the second party and no statement of objections was received. The case was posted to the next day. On 4th April 1967 also none appeared on behalf of the second party. Hence the matter was posted for evidence to be recorded in the next camp of this court at Mysore. Notices were again issued to both the parties fixing the date of hearing in Mysore on 5th May 1967 and they were duly served. When the case was called out on 5th May 1967, Mr. Sastry appeared for the first party. The second party sent a letter of even date through one Mr. Krishna Setty drawing the attention of this court to its letter dated 17th January 1967 and asking this court to hold that there was no dispute between itself and its workmen. This letter also has been signed by Mr. K. Aprameya for the management. The case was adjourned for hearing to 6th May 1967 and the date was noted in the order sheet under the signatures of Mr. Krishna Setty as well as Mr. Sastry. On 6th May 1967 however, Mr. Sastry, appeared, but none appeared on behalf of the second party. The case was again adjourned for being heard in the next camp of this Court at Mysore. Notices were again issued to both the parties fixing the date of hearing at Mysore on 10th July 1967. This notice was served on the management on 29th June 1967 and the postal acknowledgement has been signed by Mr. K. Aprameya. When the case was called out on that day, the first party appeared through Mr. Sastry and none appeared for the second party. Then I directed that another letter be written to the second party under Certificate of Posting to appear before me on the next date, i.e., 11th July 1967 for the hearing of the case. 11th July 1967, Mr. Sastry appeared for the first party. Mr. Aprameya appeared for the second party and requested for an adjournment. With the consent of both the parties the hearing was fixed in Bangalore on 18th July 1967. A notice to this effect made in the order sheet has been signed by Mr. Aprameya as well as Mr. Sastry. Then on 18th July 1967 when the case was called on for hearing at Bangalore it was again found that Mr. Sastry appeared for the first party and none was present for the second party. It is thus clear that in spite of several opportunities given to the second party it has not cared to appear in this court and put in any defence.

4. The first party has said in the statement of claims that the aggrieved workman Venkataraju was a permanent employee

under the second party as a gate keeper and his services were terminated from November 1965 without notice or any valid reason and the said termination was illegal and unjustified.

5. Since the second party did not appear at all, evidence led by the first party was recorded. The aggrieved workman has been examined as W.W. 1. He has sworn that he entered the service of the second party in 1945 or 1946 and his services were illegally terminated by the management. He has also said that the proprietor told him that his services were not required because he had become a member of the Union and was making demands for higher salary. He has requested this court to direct his reinstatement with full back wages and continuity of service. The President of the first party Union has examined himself as W.W. 2. He has sworn that Venkataraju is a member of the union since many years and the union is sponsoring his cause. He has produced three documents marked Exts. W.1 to W. 3. Exts. W.1 and 2 are respectively the postal receipt and postal acknowledgment for the first party having sent the statement of claims to the second party. Ex. W. 3 is a copy of the conciliation proceedings. These conciliation proceedings show that the management of the second party did not appear before the conciliation officer though several opportunities were given to it. In the face of this evidence led by the first party union, which I see no reason to reject in the absence of any evidence to the contrary, I hold that the termination of the services of Venkataraju by the management of the second party is illegal and unjustified. I also hold that he is entitled to reinstatement with back wages and continuity of service.

9. In the result I make an Award as under.—

AWARD

Reference is accepted. The termination of the services of Venkataraju by the management of the second party is hereby set aside and it is directed to reinstate him in his former post with all incidental and consequential benefits that he would have been entitled to had his services not been terminated, with full back wages and continuity of service. Parties do bear their own costs.

P. T. KADKOL,
Presiding Officer,
Labour Court, Bangalore.

ORDER

Bangalore, dated 15th September 1967.

S. O. 1817.—WHEREAS by State Government's Order No. LMA 475 LLD 66, dated 28th October 1966, the Industrial Dispute between the Workmen and the Management, Galesh Picture House, Mysore, was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS the Labour Court, has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said award as above in the *Mysore Gazette*

[No. LMA 475 LLD 66.]

By Order and in the name of the Governor of Mysore,

1085

G. G. Purohit, *Under Secy.*

GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Bharat Beedi Works, Karkala.

Award of the Labour Court, Hubli—published.
Read the following papers.—

(1) Letter No. 1288/67-68, dated 31st August 1967 from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 31st August 1967.

Reference (ID)(LCH) No 79 of 1966.

Present:

Shri Syed Azizuddin Ahmed, M.A., B.L.

Presiding Officer.

Between :

The Workmen of Bharath Beedi Works, Karkala, represented by the Secretary, Beedi Mazdoor Sangh, Felix Pai Bazar, Mangalore
... *I Party.*

and

The Management of Bharth Beedi Works, Karkala
... *II Party.*

This is a reference under Section 10 (1)(c) of the Industrial Disputes Act, 1947, made by the Government of Mysore, in their Order No. LMA 583 LLD 66, dated 9th December 1966. The point of dispute referred for adjudication is as under:—

Are the workmen of Bharath Beedi Works, Karkala, entitled to Bonus equivalent to 20 per cent of the earnings for each year 1963-64 and 1964-65 respectively?

If not to what other quantum of bonus are they entitled?

2. The cause of the aggrieved workmen has been sponsored and espoused by The Beedi Mazdoor Sangh, Felix Pai Bazar,

Mangalore represented by its Secretary. Sri Prabhakar Ghate appeared for the I Party while Sri K. S. Rao, President, General Managements Association appeared for the II. In response to the notices issued by the Court, the Parties have filed their Pleadings dated 20th January 1967 and 30th January 1967 respectively.

3. The Pith and Substance of the claim statement is that the II Party is a flourishing firm, manufacturing the famous 'No 30' beedies. It has got branches and depots through out the state and out-side as well. The II Party has earned huge profits running lakhs of rupees for each of the years 1963-64 and 1964-65. It has paid its workmen two months salary as bonus for the above years. The I Party had demanded that the workmen may be paid bonus equivalent to six months salary. But the Government has chosen to refer the dispute limiting the claim to only 20 per cent of the earned wages. It was prayed that the reference be allowed.

4. The II Party does not seriously challenge its prosperity.. It maintained that the management is a partnership concern running beedi industry with its Head Office at Karkala. Almost all the beedies are manufactured by independent contractors, who engage their workers for the purpose, and they are rolled by outside workers. Even the labelling and packing is done by independent contractors except about 10 per cent of the total work is done in the establishment by employing regular workers. Therefore, the contribution or the participation in the prosperity of the concern by the workers employed by the management, is negligible. The management has paid bonus equivalent to two months wages and the workers have accepted the same without demur. Having accepted the said amount without protest, the workmen cannot subsequently raise the dispute after a lapse of several months. It is only when the wages fall short of living wage and the management earns the profit due to the participation of the workmen who demand bonus, then alone bonus becomes payable. The bonus paid to the workers by the management is more than what is payable under law. The Sangh is unnecessarily creating a dispute only with the intention to create disaffection among the workers and the management. It was prayed that the reference be dismissed with costs. The points of dispute specified in the order of reference was adopted as the issue in the case. The parties declined to lead oral evidence and filed documents as per lists.

FINDINGS

5 The learned representatives of the parties presented their cases in a very lucid manner and have made my task easy. Ex. W-1 is a letter dated 22nd January 1965 from the I Party demanding bonus equivalent to six months salary of each worker for the year 1963-64. Ex. W-2 and Ex. W-3 are the calculation memos of available surplus for the years 1963/64 and 1964/65 as per the Full Bench formula filed by the I party while Ex. M-3 and Ex. M-4 are the calculation memos of the available surplus for the same period filed by the II party.

6. The learned representative of the II party very strenuously contended that the management has paid bonus to its employees equivalent to two months salary for the years 1963-64 and 1964-65 respectively. This works out to 16 2/3 per cent of their earnings for each year. This should satisfy the demand of the I party. If they are allowed to open this question, the total wage bill of the workers as a class, who have contributed to the prosperity of the concern would have to be taken into consideration. He cited 1963 (2) LLJ 629 and 1959 (1) LLJ 644/663 in support of his contention. I perused these rulings with the attention they deserve. There is nothing in these rulings to support the contention of the learned representative of the management that the young and old, men and women, who are employed by the independent contractors and the wages paid to them are also to be taken into consideration in considering the claim of the I party. Sri Prabhakar Ghate rightly refuted the suggestion saying that the persons working under independent contractors can by no stretch of imagination be regarded as the workmen of the II party.

7. Sri K. S. Rao advanced an argument that the workmen had accepted bonus equivalent to two months wages for each one of the year without demur, therefore, they cannot subsequently rise the dispute. This argument is also without merit. There is nothing to prevent the I party from demanding bonus in the circumstances referred to above. Yet another argument was advanced by Sri K. S. Rao that the claim for the bonus for the year 1963-64 is a belated claim. I find no merit in this argument also. The I Party has been agitating for bonus since a long time and the delay, if any, is not much. According to the calculation memos of the I Party, the available surplus for the years 1963-64 and 1964-65 is Rs. 4,67,380 and Rs. 3,47,256 respectively, while

according to the calculation memos of the II Party, the available surplus for these two years is Rs. 4.28 lakhs and 3.04 lakhs respectively. These statements of calculations are self-explanatory. The representatives of the parties took me through these calculation memos in detail and tried to convince me of their view point. Sri Prabhakar Ghate stated that the figures arrived at by them may not be meticulously exact and he would be satisfied by something less even. According to him, the additional bonus claimed comes 3½ per cent and would work up to Rs. 4,100 for the year 1963-64 and Rs. 4,600 for the year 1964-65 respectively. In view of the statement of Sri Prabhakar Ghate it would meet the ends of Justice if the management pays Rs. 4,000 as balance of bonus for the year 1963-64 and Rs. 4,000 for the year 1964-65.

AWARD

The workmen of Bharath Beedi Works, Karkala are entitled to bonus equivalent to 28 per cent of the earning for each year 1963-64 and 1964-65 respectively. The management having paid two months earnings as bonus for each one of the years, shall pay the balance amount of Rs. 4,000 each for the years 1963-64 and 1964-65. The parties shall bear their own costs.

Place: Hubli

Date: 31-8-1967

SYED AZIZUDDIN AHMED,

*Presiding Officer,
Labour Court, Hubli*

ANNEXURE

Reference (10) (LCH) No. 79 '1966.

Witnesses examined for I Party

Nil

Witnesses examined for II Party

Nil

Documents marked for I Party

Exhibits:

- W—1 Copy of letter dated 22nd January 1965 from I Party to II Party
- W—2 Calculation memo dated 17th July 1967 of available surplus for the year 1963-64
- W—3 Calculation memo dated 17th July 1967 of available Surplus for the year 1964-65

Documents marked for II Party

- M—1 Audited balance sheet, profit and loss account along with Income tax returns for the year 1963-64
- M—2 Audited balance sheet, profit and loss account along with Income tax returns for the year 1964-65
- M—3 Calculation memo for the year 1963-64
- M—4 Calculation memo for the year 1964-65

Place : Hubli

Dated : 31st August, 1967.

SYED AZIZUDDIN AHMED,

*Presiding Officer,
Labour Court, Hubli.*

ORDER.

Bangalore, dated 5th September 1967.

S.O.1818.—WHEREAS by State Government Order No. LMA 583 LLD 66, dated 9th December 1966 the Industrial Dispute between the Workmen and the Managment of Bharath Beedi Works, Karkala was referred to the Labour Court, Hubli for adjudication ;

AND WHEREAS, the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore, are pleased to direct the publication of the said Award as above, in the *Mysore Gazette*.

[No. LMA 583 LLD 66.]

By Order and in the name of the Governor of Mysore,

1049

G. G. PUROHIT, *Under Secy.*

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 15th September 1967.

S.O. 1819.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, and after obtaining the approval of the Government of India, accorded under sub-section (2) of Section 5 of the Said Act, the Government of Mysore are pleased to sanction the grant of a Prospecting Licence for Manganese and Iron Ore to Shri Visweswaradas Gokuldass in the following areas of the Hosdurga Taluk, Chitradurga District, on the terms and conditions mentioned below:—

Village	S. Nos.	Area
Kudurekanivekaval.	As per sketch.	53 Acres (21.44 Hectares)

(As delineated in the plan as furnished by the Department of Mines and Geology).

Terms and Conditions :—

1. The licence shall be operative for a period of one year with effect from the date of execution. The option to renew the licence for a further period shall be reserved to Government;

2. The licensee shall pay to Government a prospecting fee of Rs. 5-50 per hectare of the land covered by the licence for each year or portion of a year;

3. The quantity of ore to be removed under this licence, both on payment of royalty and free of royalty, shall be in accordance with the limits prescribed under Rule 14 (ii) and (iii) and under Schedule III respectively, of the Mineral Concession Rules, 1960. The royalty payable on the minerals shall be in accordance with the rates prescribed in Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, and as amended from time to time;

4. The licensee shall make available to the Government of India beryl or any other 'substance prescribed' under Section 3 of the Atomic Energy Act No. XXXIX of 1948, if they occur in the property under licence.

5. The licence shall be subject to the rules issued under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957);

6. If any other mineral is traced during the course of prospecting, the licensee shall report about the same to the Director of Mines and Geology and shall not work such mineral without obtaining prior permission of Government;

7. The licensee shall furnish an accurate final map of the areas covered by the licence together with a description, giving the situation and boundaries of the areas duly attested by the licensee. The Director of Mines and Geology is authorised to get the accurate final map with survey numbers, etc., prepared and demarcation done before executing the licence if the licensee so desired and to recover the cost of the same from the licensee;

8. The licensee shall, before the deposit is returned to him, submit confidentially to the Director of Mines and Geology from time to time or whenever required a full report of the work done by him and disclose all information acquired in the course of the operations carried on under the licence regarding the geology and mineral resources of the area covered by the licence;

9. The licensee shall allow any officer authorised by the Central Government or the State Government to inspect at any time the area covered by the prospecting licence as also any accounts, plans and records maintained by him;

10. The licensee shall, before the licence is issued to him, deposit as security a sum of Rs. 200 in respect of every square kilometre or part thereof for which the licence is granted for due observance of the terms and conditions of the licence;

11. The licensee shall engage a qualified Geologist or a mining engineer to conduct the prospecting methodically ; and

12. The licensee shall not give any ore-raising contract during the prospecting stage.

13. The area mentioned above is subject to verification after actual survey.

[No. CI 239 EPO 66.]

By Order and in the name of the Governor of Mysore:

1088

N. NARAYANASWAMY, *Under Secy.*

ORDER.

Bangalore dated 29th August 1967.

S. O. 1320.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with Order No. 26 (11)-Com-Genl/66, dated 18th June 1966 issued by the Government of India, Ministry of Commerce, the Government of Mysore, hereby makes the following order to amend the Automobile Spare Parts (Display of Prices) Order, 1967, namely:—

1. **Title:**—This order may be called the Automobile Spare Parts (Display of Prices) (Amendment) Order 1967.

2. **Amendment of Clause 4 :**—In clause 4 of the Automobile Spare Parts (Display of Prices) Order, 1967, for the words “enter and inspect any place of Business” the words “enter and inspect or authorise any person to enter and inspect” any place of business” shall be substituted.

[No. CI 114 BSS 66.]

By Order and in the name of the Governor of Mysore,

1919

S. ZAHIRUDDIN HASSAN, *Under Secy.*

NOTIFICATION.

Bangalore, dated 16th September 1967.

S. O. 1821.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant to Messrs Indian Aluminium Co. Ltd., Calcutta of a Mining Lease for thirty years for Bauxite and Aluminous Laterite in respect of the area of 54-50 acres (22-06 hectares) of land in Kalmani and Chapoli Villages, Khanpur Taluk, Belgaum District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below:—

(a) Mining Lease should be in respect of Bauxite and Aluminous Laterite only. If other minerals are found in association with Bauxite and Aluminous Laterite they should be brought to the notice of Government and if the lessee desires to mine these Minerals along with Bauxite and Aluminous Laterite he should do so only after the consent of Government is obtained in writing.

(b) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged, provided that dead rent shall not be payable for the first year of the lease.

(c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the Ores collected during the Mining operations.

(i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(k) The total area held by the lessee under mining leases including the present one shall not exceed 25.9 Sq. Kilometers.

(l) Government shall have the right of purchasing the Ore at current market rates.

(m) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed and

(n) The area mentioned above is subject to verification after actual survey

[No. CI 129 EMI 67.]

By Order and in the name of the Governor of Mysore,

1919

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 16th September 1967.

S. O. 1822.—In exercise of the powers conferred under Rule 15 (1) of the Mineral Concession Rules, 1960, the Government of Mysore hereby revoke the orders issued in Government Notification No. CI 72 EPI 67, dated 17th May 1967 sanctioning a Prospecting Licence for China Clay and Fire Clay in respect of the area of 26 acres of land in Mouje Gopenkoppa Village, Hubli Taluk, Dharwar District in favour of Shri Bhojanna Shankarsa Habib, Hubli as the grantee failed to pay the security deposit and execute the deed within the prescribed time limit.

[No. CI 150 EPI 67.]

By Order and in the name of the Governor of Mysore,

1095

N. NARAYANASWAMY, *Under Secy.*

NOTIFICATION.

Bangalore, dated 16th September 1967.

S.O. 1823.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction the grant to Messrs. Indian Aluminium Co. Ltd., Calcutta of a Mining Lease for thirty years for Bauxite and Aluminous Laterite, in respect of the area of 112.20 acres (45.40 hectares) of land in Kiniye and Morab village, Belgaum Taluk, Belgaum District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below:—

(a) Mining Lease should be in respect of Bauxite and Aluminous Laterite only. If other minerals are found in association with Bauxite and Aluminous Laterite they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Bauxite and Aluminous Laterite he should do only after the consent of Government is obtained in writing.

(b) Royalty at the rates prescribed in the Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.

(c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(d) If beryl or any other "substance prescribed" under Section 3 of the Atomic Energy Act No. XXIX of 1948, is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.

(i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(k) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilometers.

(l) Government shall have the right of purchasing the Ore at current market rates.

(m) The lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of lease deed.

(n) The area mentioned above is subject to verification after actual survey.

[No. CI 127 EMI 67.]

By Order and in the name of the Governor of Mysore,
1096 N. NARAYANASWAMY, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 14th September 1967.

S. O. 1824.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the workmen and the management of Mysore City Co-operative Housing Society Limited, Mysore on the points noted below ;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute

“ Are the Management of the Mysore City Co-operative Housing Society Ltd. Chamaraja Road, Mysore, justified in not implementing the recommendations of the *ad-hoc* Committee for Co-operative Employees, which has been accepted by Government of Mysore, *vide* No. PC 142 CCC 65, dated the 4th November 1966 ?

(2) If not, are the employees of the said Co-operative Society justified in demanding the pay scales, medical relief, provident fund subscriptions, retirement age, gratuity scheme and leave facilities (without curtailing all personal and special allowance, other advances and loan benefits existing until now) as follows, as recommended by the *ad-hoc* Committee for Co-operative Employees ; or to any other relief ?

- (a) The pay scales of each employee be fixed with effect from 1st November 1966 as detailed in the annexed statement, including Weightage Dearness Allowance, House Rent Allowance at Government rates;
- (b) Medical Relief be allowed to each employee, his parents, wife, children and others depending upon him, equal to a month's salary of the employee with a ceiling of Rs. 100 each year;
- (c) Provident Fund subscription of the employees be enhanced from $6\frac{1}{4}$ per cent to $8\frac{1}{2}$ per cent of his basic pay and contribution of a like sum by the management. The interest, etc., shall be one per cent more than the interest allowed on Fixed Deposit in the said Co-operative Society;
- (d) Age of retirement, gratuity and leave facilities of the employees be as follows from 15th November 1966 as contained in the Co-operative Rules (Amendment) 1966:—

- (i) Age of Retirement: 53 years.
- (ii) Leave facilities:—
 - (1) Casual Leave: 15 days in each calendar year.
 - (2) Privilege Leave: $1/11$ of the total number of days on active service;
- (iii) Gratuity Scheme: One month's salary for every year of service upto a maximum of 15 months salary calculated on the average pay drawn just before retirement or death, as the case may be."

[No. FCL 391 LLD 67.]

By Order and in the name of the Governor of Mysore,

The Mysore City Co-operative Housing Society Limited, Mysore.

[illegible]

Sriyuths :

[illegible]

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 18th September 1967.

S. O. 1827.—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Rural College, Kanakapura to the Mysore University for teaching :—

- (i) B. A. Degree (First Year)
History, Economics (Majors) English (Minor)
History, Economics (Majors) Kannada (Minor)
- (ii) B.Sc. Degree (first Year)

Botany, Zoology (Majors) Chemistry (Minor)—24 students and extension of affiliation for teaching the B.A. and B.Sc., Second year of the course with the same combinations detailed above, for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 54 UAC 67.]

By Order and in the name of the Governor of Mysore,

1109

S. N. SREENATH, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 19th September 1967.

S. O. 1828.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of M/s. P. N. Bhandary and Co. Port Road, Bunder, Mangalore, on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication ;

Now, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute.

- I “Is the Management of M/s. P. N. Bhandary and Co., Mangalore Justified in terminating the services of Sri G. N. Sujir from 1st December 1965?
- II If not, to what relief is he entitled to?”

[No. LMA 524 LLD 67.]

By Order and in the name of the Governor of Mysore,

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION.

Bangalore, dated 20th September 1967.

S. O. 1829.—In pursuance of sub-section (1) of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957, the Government of Mysore are pleased to sanction, the grant to Messrs. Indian Aluminium Company Ltd., of a Mining Lease for thirty years for Bauxite and Aluminous Laterite in respect of the area of 3370 acres 143.14 hectares) of land in Kirvale and Dongargaon and other villages, Khanapur Taluk, Bellary District, as per sketch furnished by the Director of Mines and Geology, Bangalore.

2. The grant of the above lease is subject to the terms and conditions mentioned below:—

(a) Mining Lease should be in respect of Bauxite and Aluminous Laterite only. If other minerals are found in association with Bauxite and Aluminous Laterite they should be brought to the notice of Government and if the lessee desires to mine these minerals along with Bauxite and Aluminous Laterite he should do so only after the consent of Government is obtained in writing.

(b) Royalty at the rates prescribed in the second schedule to the Mines and Minerals (Regulation and Development) Act, 1957, or the dead rent at the rate of Rs. 25 per hectare per annum, whichever is greater, shall be charged provided that dead rent shall not be payable for the first year of the lease.

(c) Surface rent at the rate of Rs. 2-50 per hectare per annum on the actual area used by the lessee for mining purposes shall be charged.

(d) If beryl or any other "Substance Prescribed" under Section 3 of the Atomic Energy Act No. XLIX of 1948 is found to occur in the property under the lease, the lessee shall make available such mineral to the Government of India.

(e) The lease shall be subject to the provisions of Rules in Chapter IV of the Mineral Concession Rules, 1960.

(f) The lease shall also be subject to the rules issued under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957.

(g) The lessee shall pay to the Director of Mines and Geology in Mysore, Bangalore, necessary security deposit for due observance of the terms and conditions of the lease in accordance with Rule 32 of the Mineral Concession Rules, 1960, before the lease is issued to him.

(h) The lessee shall submit confidentially from time to time or when required progress reports to the Director of Mines and Geology along with analysis and representative samples of the ores collected during the mining operations.

(i) The lease shall be governed by all conditions that may be incorporated in the lease deed to be executed.

(j) The lessee shall abide by the Rules contained in the Mysore State Forest Manual, if the leased area covers any forest lands.

(k) The total area held by the lessee under Mining Leases including the present one shall not exceed 25.9 Sq. Kilometres.

(l) Government shall have the right of purchasing the ore at current market rates.

(m) The Lease would be determined if the lessee fails to commence effective mining operations within one year from the date of execution of Lease Deed.

(n) The area mentioned above is subject to verification after actual survey.

[No. CI 128 EMI 67.]

By Order and in the name of the Governor of Mysore,

AGRICULTURE AND FOREST SECRETARIAT.**ORDER**

Bangalore, dated 19th September 1967.

S. O. 1830.—In exercise of the powers conferred by proviso to sub-section (1) of Section 11 of the Cardamom Act, 1965 (Central Act 42 of 1965), and in partial modification of Notification No. AF 5 ASP 66 (1), dated 3rd July 1967, the Government of Mysore hereby extends the time limit for registration up to and inclusive of 30th September 1967,

[No. AF 5 ASP 66.]

By Order and in the name of the Governor of Mysore,

1111

MOHAMED RAHMATHULLA, Secy.

REVENUE SECRETARIAT

ERRATUM

Bangalore, dat-d 31st September 1937.

S.O. 1831.—Please read as R. N. 106 instead of Block No. 104 under column 13 in K. N. 76.

2. For the areas S No. 83 and 84 in Column No. 4 and 10 in Government Order of even No. dated 21st September, 1936, please read as follows:—

83	D	3-36
81	"	5-10
	"	4-39

3. For area of Hissa No. 3 in column No. 4 of Read as 18 guntas instead of 8 guntas.

[No. RD 190 TO 661]

By Order and in the name of the Governor of Mysore,

1110

M. K. MADAPPA, *Under Secy.*

**DEVELOPMENT, HOUSING, PANCHAYATI RAJ AND
CO-OPERATION SECRETARIAT.**

NOTIFICATION.

Bangalore, dated 15th September 1967

S O. 1832.—In exercise of the powers conferred by Section 157 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act No 10 of 1959), and in partial modification of Government Notification No. DPC 30 BAD 67 dated 29th April 1967 published as S. O. 979 in part IV-Section 2 C (ii) of the *Mysore Gazette* dated 10th June 1967, Government of Mysore hereby nominates the Assistant Registrar of Co-operative Societies, Mercara in place of the Deputy Registrar of Co-operative Societies, Mysore as a member of the District Development Council for the Revenue District of Coorg constituted in the Notification No. LLH 89 BAD 59, dated 1st April 1960.

[No. DPC 30 BAD 67]

By Order and in the name of the Governor of Mysore,

1112

A. M. J. SHAIKH, *Under Secy.*

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 18—19th September 1967.

S.O. 1833—In exercise of the powers conferred under sub-section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Regional College of Education, Mysore to the Mysore University, for teaching the following courses:—

- (i) B.Sc., (Ed.) First and Second Years.
- (ii) B.Tech. (Ed.) First and Second Years.
- (iii) B.Com., (Ed.) First Year and
- (iv) B.A.(Ed.) First Year.

and extension of affiliation for teaching the following:—

- (i) B.Sc., (Ed.) Third Year.
- (ii) B. Tech.(Ed.) Third Year.
- (iii) B.Com.,(Ed.) Second Year.
- (iv) B.A.(Ed.) Second Year.

for the year 1967-68 subject to the conditions laid down by the Local Inquiry Committee.

[No.ED 41 UAC 67.]

By Order and in the name of the Governor of Mysore,

1115

S. N. SREENATH, *Under Secy.*

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER.

Bangalore, dated the 17th September 1967.

S. O. 1834.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Hiranyakeshi Sahakari Sakkar Karkhane, Niyamit, Sankashwar on the points noted below;

AND WHEREAS the Government of Mysore consider it desirable to refer the dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Labour Court at Hubli.

Points of Dispute

“Is the Management of Hiranyakeshi Sahakari Sakkar Karkhane Niyamit, Sankashwar, justified in suspending Shri B. H. Kotabagi for nearly five months? If not should Sri B. H. Kotabagi be reinstated with back wages”.

[No. FOL 82 LLD 67.]

By Order and in the name of the Governor of Mysore,

1105

G. G. PUROHIT, *Under Secy.*

ORDER.

Bangalore . Dated 18th September 1967.

S. O. 1835.— In exercise of the powers conferred by sub section (1) of Section 5 of the Indian Boilers Act, 1923 (Central Act 5 of 1923) and in partial modification of the Order No. I.MA 177 LFB 66, dated 10th November 1966 issued in this behalf the Government of Mysore hereby appoints the Officer specified in column 2) of the Table below to be Inspector for the purpose of the said Act, and defines the limit specified in the corresponding entry in column (3) thereof as the local limits of the area within which the said Inspector shall exercise the powers and performs the duties conferred and imposed on Inspectors by or under the said Act.

TABLE

Sl. No.	Name of the Officer	Local limits of the Area
1.	Shri S. N. Krishna Murthy, Inspector of Boilers, Bangalore.	Districts of Hassan, Coorg, Mysore Mandya, Tumkur, Kolar and Bangalore.

[No. FOL 92 LFB 67.]

By Order and in the name of the Governor of Mysore,

ORDER.

Bangalore, dated 20th September 1967.

S.O. 1836.—WHEREAS the Government of Mysore are of opinion that an Industrial Dispute exists between the Workmen and the Management of Tungabhadra Sugar Works (P) Limited, Post Box No. 2, Shimoga on the points noted below ;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore hereby refer the said dispute for adjudication to the Industrial Tribunal at Bangalore.

Points of Dispute

- “1. Are the Factory and Farm Workers of the Tungabhadra Sugar Works (P) Ltd, Shimoga entitled to 16 per cent of their Annual wages as balance of bonus for the year 1964-65 ? If not what should be the quantum of balance of bonus ?
2. Are the Factory and Farm workers of the Tungabhadra Sugar Works (P) Ltd., Shimoga entitled to 16 per cent of their annual wages as balance of bonus for the year 1965-66 ? If not, what should be the quantum of balance of bonus ?
3. Are the Farm Workers entitled to be placed in the monthly category as stated below ? If not, are they entitled to any other relief :

Labourers. (including women)	Rs. 60-2.10-85	Plus D. A. as paid in the Factory
Maistries	Rs 90-5-140	do
Fieldmen	Rs. 150-10-200	do
Traction Drivers	Rs. 110-7½-175	do
de-Helpers	Rs. 70-4-110	do

4. Are the farm women workers entitled to maternity leave at the rate of six weeks on full pay for each delivery? If not to what rate of maternity leave they are entitled to?"

(No. FCL 389 LLD 67)...

By Order and in the name of the Governor of Mysore,

1107

G. G. PUROHIT, *Under Secy.*

EDUCATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated 19-20th September 1967.

S. O. 1837.—In exercise of the powers conferred under Sub-Section (3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuance of affiliation of the A. V. Kanthamma College for Women, Hassan to the Mysore University for teaching the following courses:—

(i) Pre-University (Arts)

History, Economics, Logic

History, Economics, Political Science

(ii) Pre-University (Science)

Physics, Chemistry, Mathematics (48 students)

Physics, Chemistry, Biology (48 students)

and fresh affiliation for teaching the following courses:—

(i) B. A. Degree (First Year)

Economics, History (Majors) Political Science (Minor)

Sociology, History (Majors) Economics (Minor)

(ii) B.Sc. Degree (First year)

Physics, Mathematics (Majors)	Chemistry	{ 48 students (Minor) for each combination.
Botany, Zoology (Majors)	Chemistry	
(Minor)		

for a period of one year from June 1967 subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 60 UAC 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore, dated 18th September 1967.

S. O. 1838 .—In exercise of the powers conferred under sub-section 3) of Section 44-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the D. R. M. College, Davangere to the Mysore University for teaching the following course:—

- (i) Pre-University (Arts) for 1967-68:
History, Economics, Political Science.
- (ii) Pre-University (Commerce) for three years from 1. 67-68:
History, Economics, Commerce.
- (iii) B. A Degree (All the three years) for 1967-68,
History, Economics, (Majors) Sociology (Minor).
History, Economics (Majors), Political Science (Minor)
Economics Sociology (Majors), History (Minor),
Economics, Sociology (Majors), Political Science (Minor)
- (iv) B.A. Degree (First Year) for 1967-68.
Political Science, Sociology (Majors), Economics (Minor)
- (v) B. Com. Degree (All the three years) for 1967-68.
- (vi) B. Sc., Degree (All the three years) for 1967-68:
Physics, Chemistry (Majors), Mathematics (Minor). 48 students

and fresh affiliation to run B. Sc., Degree Course (First year) Botany, Zoology (Majors), Chemistry (Minor) with an intake of 48 students for the year 1967-68, subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 61 UAC 67.]

By Order and in the name of the Governor of Mysore,

NOTIFICATION.

Bangalore dated 16th—19th September 1967.

S. O. 1839.—In exercise of the powers conferred under sub-section (3) of Section 41-A of the Mysore University (Amendment) Act, 1957, the Government of Mysore are pleased to sanction continuation of affiliation of the Kalpatharu College, Tiptur to the Mysore University, for teaching the following courses:—

- (i) Pre-University (Arts) for 1967-68:
History, Economics, Political Science.
- (ii) B.A., Degree (First Year) for 1966-67:
Economics, Sociology (Majors), Political Science (Minor).
- (iii) B. A., Degree (I and II Year) for 1967-68.
Economics, Sociology, (Majors), Political Science (Minor)
- (iv) B. Sc., Degree (First Year) for 1967-68:
Physics, Chemistry (Majors), Mathematics (Minor), 32 students subject to the conditions laid down by the Local Inquiry Committee.

[No. ED 63 UAC 67.]

By Order and in the name of the Governor of Mysore,

1114

S. N. SREENATH, *Under Secy.*

REVENUE SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 31st September 1967.

S. O. 1840.—WHEREAS the State Government considers that for the purpose of providing opportunities of training as Tahsildar for the Probationer of the Indian Administrative Service, it is expedient to appoint him as Special Tahsildar for a Taluk to exercise such powers and discharge such duties as are exercised and performed by a Tahsildar.

Now, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 12 of the Mysore Land Revenue Act 1964 (Mysore Act 12 of 1964), the Government of Mysore hereby sanction the appointment for the said purpose of one Special Tahsildar for Bidar taluk in Gulbarga Division for a period from 5th September 1967 to 7th November 1967.

[No. RD 257 ASG 67.]

By Order and in the name of the Governor of Mysore,

1138

K. C. PUTTANABASIAH, *Under Secy.*

NOTIFICATION.

Bangalore dated the 21st September 1967.

S. O. 1841.—In exercise of the powers conferred by sub-section (3) of Section 12 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), the Government of Mysore hereby appoints Shri N. Viswanathan, I. A. S., Probationer as Special Tahsildar of Bidar taluk for a period from 5th September 1967 to 7th November 1967.

He shall exercise all the powers and perform all the duties as are exercised and performed by a Tahsildar under the Mysore Land Revenue Act 1964 during the said period.

[No. RD 257 ASG 67.]

By Order and in the name of the Governor of Mysore,

1846

K. C. PUTTANARASIAH, *Under Secy.*

HOME SECRETARIAT.

NOTIFICATION.

Bangalore, dated 17th August 1967.

S. O. 1842.—In exercise of the powers conferred by clause (a) of sub section (1) of Section 4 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), the Government of Mysore hereby makes the following amendments to the Notification No. S. O. 280, dated the 20th January 1967 (H D. 27 PEG 67).

In the Schedule to the said Notification, in column 3,—

- (1) in the entries relating to the Revenue Survey Numbers of Baikumpady village, for the figures "125, 129, 133", the figures "127, 128, 129, 131, 133, 134" shall be substituted;
- (2) in the entries relating to the Revenue survey numbers of Pachanady village, after the figures "107", the figures "103" shall be inserted.

With effect from the date of publication of this Notification in the Gazette, Revenue Survey Numbers 127, 131 and 134 of Baikumpady village shall be included in the local area of Mangalore Harbour Project Police Station and the said Survey numbers shall cease to form the local area of the Mangalore rural Police Station.

[No. HD 150 PEG 67.]

By Order and in the name of the Governor of Mysore,

1118

BHIM RAO,

*Under Secretary to Government,
Home Department.*

NOTIFICATION.

Bangalore, dated 20th September 1967.

S. Q. 1843.—Whereas the State Government considers that conditions have changed since the publication of the Notifications No. HD 256 MVA 58, dated the 6th June 1961 and No. HD 105 TMR 62, dated the 2nd April 1963 and whereas it is considered necessary to supersede the directions issued to the State Transport Authority in the said Notifications ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 43 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of Notifications No. HD 256 MVA 58 dated the 6th June 1961 and No. HD 105 TMR 62 dated the 2nd April, 1963, the Government of Mysore hereby issues the following directions to the State Transport Authority. The draft of the directions having been previously published in the *Mysore Gazette* dated the 5th January 1967 in S.O. 70, dated the 27th December 1966 and the objections and suggestions received having been considered in consultation with the State Transport Authority, after giving the representatives of the interests affected an opportunity if being heard as required by the proviso to the said sub-section :—

Directions

The State Transport Authority is directed to fix, subject to the conditions specified below, the following rates of fares freights for Motor Cabs and Auto-rickshaws in the State namely :—

(i) *Motor Cabs (Taxis)*

- (a) Motor Cabs with a seating capacity of not more than five persons excluding the driver (Big Taxis).

- | | | |
|------------------------|-----|--|
| (i) For each Kilometer | ... | Fifty paise. |
| (ii) Minimum charge | ... | One Rupee. |
| (iii) Waiting charges | ... | Ten paise for every three minutes waiting. |
| | | The meter should be so set that it moves up at the rate of ten paise for every one fifth of Kilometer. |
| (iv) Luggage | ... | Not exceeding ten paise per article carried outside the cab. |

(b) Motor Cabs with a seating capacity of not more than four persons excluding the driver (Baby taxis).

- | | | |
|------------------------|-----|---|
| (i) Per each Kilometer | ... | Forty paise. |
| (ii) Minimum charge | ... | One Rupee. |
| (iii) Waiting charges | ... | Ten paise for every three minutes waiting. |
| | | The meter should be so set that it moves up at the rate of ten paise for every one fourth of Kilometer. |
| (iv) Luggage | ... | Not exceeding ten paise per article carried outside the cab. |

(2) *Auto-rickshaws—*

- | | | |
|------------------------|-----|---|
| (i) For each Kilometer | ... | Twentyfive paise and five paise for every one fifth of Kilometer or part thereof. |
| (ii) Minimum charge | ... | Fifty paise. |
| (iii) Waiting charges | ... | Not exceeding fifteen paise for every fifteen minutes of waiting. |
| (iv) Luggage charges | ... | Not exceeding six paise per every article weighing up to ten Kilograms. |

(3) *Conditions—*

- (i) A period of three months shall be allowed for the vehicles to get the meters recalibrated in terms of the above rates.

- (ii) Pending re-calibration of the meters, the vehicles shall carry conversion table approved by the Regional Transport Authority concerned to facilitate collection of fare at the above rates.

[No. HD 277 TMA 65.]

By Order and in the name of the Governor of Mysore,

1123

C. RAJANNA,
*Under Secretary to Government,
Home Department.*